

Posted: April 12, 2019



NOTICE AND CALL OF A MEETING OF THE
TRINIDAD PLANNING COMMISSION

The Trinidad Planning Commission will hold a regularly scheduled monthly meeting on
WEDNESDAY APRIL 17th, 2019, AT 6:00 P.M.
in Town Hall at 409 Trinity Street.

The following items will be discussed:

- I. **ROLL CALL**
- II. **APPROVAL OF MINUTES** – January 16, 2019 *Continued from the March 20, 2019 Meeting*
 - February 20, 2019
 - March 20, 2019
- III. **APPROVAL OF AGENDA**
- IV. **ITEMS FROM THE FLOOR**
- V. **AGENDA ITEMS**

Discussion / Decision / Public Hearing / Action

1. 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. *Continued from the March 20, 2019 meeting.*
2. 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. *Continued from the March 20, 2019 meeting.*

3. 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, single-car garage with attic storage area within the existing gravel driveway 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.

4. 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 the 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: Patricks Point Dr. right-of-way, from Main St. to the CAL FIRE Trinidad Forest Fire Station, 923 Patricks Point Dr. *Will be continued to the May 15, 2019 meeting.*

VI. COUNCIL REPORT

VII. STAFF REPORT

VIII. FUTURE AGENDA ITEMS

IX. ADJOURNMENT

**MINUTES OF THE REGULARLY SCHEDULED MEETING OF THE
TRINIDAD PLANNING COMMISSION
Wednesday, February 20, 2019**

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

Commissioners Present: Graves, Johnson, Stockness, Kelly
Commissioner Absent: Lake
City Planner Staff: Reese
City Staff: Zetter

II. APPROVAL OF MINUTES

December 19, 2018

Motion (Kelly/Johnson) to approve the minutes as submitted. (Passed 4-0)

III. APPROVAL OF AGENDA

Motion (Johnson/Stockness) to approve the agenda. (Passed 4-0)

IV. ITEMS FROM THE FLOOR

Commissioner Graves introduced the new protocols for the Planning Commission meetings. He also provided clarification regarding an issue over 2-1 votes. Graves provided an excerpt from the Brown Act and an excerpt from the League of California Cities, which advised that if there are three commissioners, and the vote is 2-1, the vote is valid. It would only be invalid if the vote is on a general plan amendment, which requires approval by a majority of the entire Board/Commission, not just a quorum.

City residents, L. Farrar and A. Grau, referenced and agreed with comments made by Commissioner Kelly at the January 16, 2019 meeting in regards to revising the vision statement in the draft general plan.

V. AGENDA ITEMS

1. Address by Mayor Ladwig regarding the purpose and expectations of the STR Committee.

Mayor Ladwig addressed the Commission and the public. He stated that at the last City Council meeting the Council discussed the purpose of the STR Committee, and at that time the Council voted to suspend the Committee. The Council decided to compose a formal resolution and discuss the resources that the City has to allocate to this endeavor. He clarified that the STR Committee is an advisory committee that is to meet quarterly. And the purpose of the Committee is to determine what is working and what is not, in regards to the STR ordinance. Ladwig advised that Council is meeting next

week to discuss a resolution, and it will be an agenda item. Mayor Ladwig advised that he is open to questions.

2. Van Wycke Bicycle and Pedestrian Connectivity Project: Public hearing to accept public, Commissioner, and interested party comments on the proposed Mitigated Negative Declaration and Initial Study for this project pursuant to the California Environmental Quality Act. *No action will be taken at this meeting.*

Commissioner Questions and Comment

Commissioner Graves clarified for the public that this meeting is not a hearing on the project, but only a discussion regarding the CEQA document. He stated that this meeting is to obtain public input during the comment period.

Planner Garry Reese, from SHN, stated that he is standing in for City Planner Trever Parker for this meeting, because she is on vacation. He stated that his role at the meeting is document public comment and that he will answer questions regarding the CEQA process and requirements. He provided a brief summary of the project, which is funded by a Caltrans grant.

Reese stated that there is a thirty-day public comment period on the Initial Study and proposed Mitigated Negative Declaration, closing on March 20, 2019. Reese clarified that the final design, as well as permitting, will be completed after the CEQA document is approved.

Commissioner Stockness clarified to the public that she has visited the project sites to familiarize herself with the topic of discussion.

Commissioner Graves disclosed that he had ex-parte communication with Zuretti Goosby who was the first executive director of Yurok Tribe and worked for the California Legislature.

Commissioner Johnson stated that he found the document to be difficult to read and that it could benefit from a table of contents and a purpose statement. He noted that the attachments are not labeled correctly. He requested updated geological information.

Commissioner Kelly stated that the document would benefit from a clear purpose statement. Kelly requested clarification regarding dimensions on the project. Kelly stated that she would like to see a conceptual design and viewshed analysis.

Reese clarified that it is a preliminary design at this point, and that the grant funding for more detailed design work can't be accessed until the CEQA document is approved.

Commissioner Stockness advised that she read the purpose of the document in the project description. Stockness requested clarification on who is completing the final design. GHD representative Josh Wolfe confirmed that GHD is completing the final design after the CEQA document is completed and the next round of funding is obtained from Caltrans, which is expected in July.

Commissioner Stockness voiced her concern about the bluff and requested more information regarding discussions with uphill landowners to move the trail upslope. Wolfe confirmed that there have been positive discussions with adjacent property owners, but nothing is finalized. Stockness raised concern regarding the retaining wall and what alternatives might be available. Planner Reese advised that the CEQA document discusses alternatives. Commissioner Kelly opined that there needs to be clarification whether a retaining wall is an absolute necessity.

Commissioner Graves stated that the layout of the document was difficult to read. Graves requested clarity on the geological impacts as the data is out of date. Graves also stated that it wasn't until the end of the document that the reader becomes aware that the project is being objected to by tribal groups. He stated that there needs to be more information regarding that opposition and why the City is moving forward anyway, as the existing discussion feels like an afterthought. Commissioner Johnson agreed that more information regarding tribal cultural resources would be beneficial to the document.

Public Comment

City resident, J. Cuthbertson, states that the trail was well used by the public, there are multiple uses, which should be considered the baseline. He notes that there have been numerous discussions at the City Council level. Cuthbertson stated that during those discussions there wasn't a single complaint from the tribes.

City resident, D. Grover, stated that he has 35 plus years of construction experience and has worked on cliff side projects. He advised that there are multiple ways to preserve the area and he would like to help with the planning and design.

Resident, D. Cox, requested clarification as to how far east the project goes.

Greater Trinidad area resident, Ro. Johnson, disclosed that he is a geologist and has ties to SHN, but is retired. He stated that the basis of the document is out of date, as the geologic information is from 2011. He advised that currently there is a stormwater drainage system in the vicinity of the trail, but it is not properly addressed in the CEQA document. Johnson also discussed how stabilization in the area could be an issue and that the project might not be feasible. He stated that the Yurok Cultural Committee

requested the project be revised. He doesn't think the Tsurai Ancestral Society are aware of the storm drain.

City resident, J. Cuthbertson, stated that the storm drain pipe is working and that the City needs more information regarding drainage.

City resident, L. Farrar, stated that the original goal was to repair the Van Wycke Trail, but now the project has expanded. Farrar wants clarification as to why the scope of work has expanded. She stated that it feels aggressive for such a small community.

City resident, A. Grau, stated his concern about the expansion of the project and that it is unnecessary for the size of Trinidad.

Written communication was received from 3 sources in opposition: Tsurai Ancestral Society, Kimberly Tays, and Leslie Farrar

Commissioner Discussion

Commissioner Johnson made a general comment stating that a minor design or photo mock-up of where the retaining wall is estimated to be would be beneficial, as it will help people understand the scope of the project. Commissioner Johnson also stated that the document lacks clarity and needs a substantial amount of work. Johnson wouldn't feel comfortable approving the project at this point.

Motion (Johnson/Stockness) to continue the discussion at the March 20th meeting. (Passed 4-0)

VI. COUNCIL REPORT

Commissioner Stockness stated that the Council has been conducting interviews for a new City Manager.

VII. STAFF REPORT

Commissioner Graves disclosed ex parte communication email exchange between Commissioners. Graves addressed Brown Act training, problems with minutes, and the new meeting protocols.

He explained that he and the City Clerk met with Access Humboldt to discuss the potential of video recording meetings, which would allow the staff to move to shorter "action minutes." Graves advised the final decision would be made by the City Council. Commissioner Stockness stated that she is not in favor of video recording, as it is

individuals' civic duty to come to the meetings. She wants people to be informed, but she doesn't want to be recorded.

Commissioner Kelly stated that she found a video training on the Brown Act, and she sent it to Mayor Ladwig, because she found several examples helpful.

Commissioner Graves provided a new mock-up of the proposed Trinidad Rancheria hotel. Kelly is underwhelmed by the design. Commissioner Johnson states that another issue with the hotel project is the interchange, which would likely come to the Planning Commission in some form, as modifications would need to be made to Scenic Drive.

VIII. FUTURE AGENDA ITEMS

Van Wycke Bicycle and Pedestrian Connectivity Project

IX. ADJOURNMENT

Next meeting is March 20th. Meeting has been adjourned at 8:10 pm.

Submitted by:
Angela Zetter
Administrative Assistant

Approved by:

John Graves
Planning Commission Chair

DRAFT
MINUTES OF THE REGULAR MEETING OF THE TRINIDAD PLANNING
COMMISSION
WEDNESDAY, MARCH 20, 2019 AT TRINIDAD TOWN HALL, 409 TRINITY
STREET

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 become 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:

Approved by:

Angela Zetter
Administrative Assistant

John Graves
Planning Commission Chair



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: April 11, 2019

RE: April 17, 2019 Agenda Items

There are a couple of agenda items that do not have any new material to go with them, so this memo provides a brief update. Please bring all your materials from the March meeting for the continued items.

1. Van Wycke Trail CEQA MND. As was discussed at the last meeting, there is no new material to present other than a new letter that was received by the City. However, the City Engineer will be in attendance in order to answer questions about the project, including the next steps and public outreach.
4. CALFIRE Water Line Extension. Unfortunately, once again, I do not have the information needed in order to be able to make the findings to approve the project. This item will be continued to the May meeting.

March 30, 2019

Trinidad Planning Commission Members
City of Trinidad
Trinidad, CA 95570

Re: Van Wycke Bicycle and Pedestrian Connectivity Project ("Project") – Initial Study/Mitigated Negative Declaration ("MND")

To the members of the City of Trinidad Planning Commission:

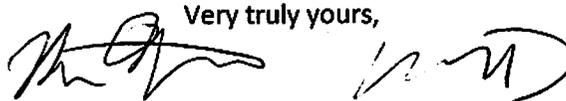
We are the owners of 807 Edwards Street, Trinidad. The 807 Edwards property is adjacent to the City of Trinidad right of way where the bluff erosion has caused the primary failure of the Van Wycke trail. As we had expressed to former City Manager Dan Berman in the past (and I believe have communicated in the past in a letter to the City Council), we are supportive generally of coastal access and had expressed our desire to collaborate with the City with respect to Van Wycke trail restoration so long as there was general consensus among all interested parties that the restoration should go forward.

However, having reviewed the comment letter to the City of Trinidad from Tamara Gedik of the California Coastal Commission dated March 8, 2019 (her comments incorporated herein by reference), we have the following concerns:

- The state of existing geotechnical information (particularly in light of the more recent bluff erosion along Edwards and Van Wycke) is not sufficient to determine there is no significant environmental impact from the proposed Project and more specifically, it does not provide the necessary comfort that the bluff might not be at greater risk from implementing the project than not. We worry that even bringing heavy construction equipment onto our property to access the bluff would be risky. When we discussed with a local geologist tree cutting on that portion of the bluff and whether the roots were stabilizing to the bluff he commented "everything on that bluff is moving and they [the trees and roots] are just along for the ride . . ." We are concerned that even a well-engineered path would not long withstand the geologic and sea level forces at work.
- We are also concerned that the MND does not fully and appropriately address and consider alternatives to the proposed Project as noted in the Coastal Commission letter. We could potentially support, for example, an alternative to trail restoration that creates a safe passage along Edwards for pedestrians and bikes and that includes traffic calming measures (like the planter area in front of the Beachcomber and school) to slow down the vehicles that often speed along Edwards back and forth from the dock area.

We are more than happy to discuss this further.

Very truly yours,



Marc Gottschalk and Rachel Duclos



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: April 11, 2019

RE: Rheinschmidt Application 2019-02

I do not have any new information from the applicant. Although I left a couple of messages, I never heard back. Hopefully someone will be at the meeting to represent the project and answer questions. However, staff is still recommending approval of the project based on the information submitted as part of the original application. The information provided in the memo regarding the Winnett project should be reviewed and considered as part of this project as well. Past precedent should be carefully considered on its merits, otherwise Planning Commission decisions could be considered arbitrary and capricious. I have included the minutes from the 2007 hearing and decision as well as the deed restriction limiting the number of bedrooms on the property and the OWTS permit.

One of the things that came up at the last meeting was that the areas of the City east of the freeway should not be treated differently from the rest of the City. However, this area of the City, as well as south along Scenic Drive have a different zoning designation, so are necessarily treated differently. They also have a very different character. And it means that a decision on a project in the SR zone would not necessarily set precedent for projects in other zones and areas.

Another issue that came up with this project was the need for the garage. Whether the applicant needs a garage or whether an STR should have a garage is not within the Planning Commission's decision-making authority. Your decision must be based on whether the project conforms with the City's land use regulations and whether the findings for granting approval can be made. A denial must be based on specific reasons why one or more of the findings can't be made or that the project is inconsistent with the City's regulations. Your decision cannot be based on whether you think the applicant needs a garage or whether it is appropriate for an STR to have a garage or even whether you think it might be turned into something else; you can add conditions to address the last issue. The SR zone allows second dwelling units, and the subject property is large enough to accommodate one. So, there would be no real incentive for someone to apply for approval to build a garage just to convert it into a dwelling anyway.

**MINUTES OF THE 21 FEBRUARY 2007
TRINIDAD PLANNING COMMISSION MEETING**

I. ROLL CALL

Chairman Lake called the meeting to order at 7:30 p.m. Other Commissioners in attendance were Johnson, and Morgan. Commissioner Fulkerson and Kenny were absent. Council Liaison Bhardwaj was in attendance. Parker represented staff in attendance.

II. APPROVAL OF MINUTES – January 17, 2007

There were no comments on the Minutes. Johnson made the motion to approve the minutes as submitted. Lake seconded. Motion approved 3-0.

III. APPROVAL OF AGENDA

No changes were made to the agenda.

IV. ITEMS FROM THE FLOOR

1. Wendy Rowen, Executive Director of First 5 Humboldt, a Humboldt County Children and Families Commission. Wendy spoke on behalf of the Work Life Alliance, comprised of First 5 Humboldt, the Local Child Care Planning Council, and the Workforce Investment Board. She gave a brief presentation on the status of the child care industry in Humboldt County and presented the Commission with a report titled *The Economic Impact of the Child Care Industry in Humboldt County*. She stated that the Workforce Investment Board identified the lack of sufficient child care and the need for affordable and accessible child care as critical issues for the workforce. While there are a number of aspects involved in promoting child care facilities, a primary focus of the organization is working to encourage development of child care facilities in Humboldt County. The organization will be proposing General Plan amendments to the County General Plan and drafting language to Zoning Ordinance changes to essentially remove barriers for creating child care centers and family child care homes.
2. Kathleen Lake, a resident of Trinidad, came before the commission for a response as to why she has not received a reply to her letter to the City and the Planning Commission dated April 17, 2006, regarding information on second dwellings. Parker and the Commissioners reviewed a copy of the letter dated April 17, 2006. Parker stated that the requested information is available here at City Hall. Lake said that she has spoke to Gabe on several occasions and that Gabe has never been clear on how to get the information and had stated that Trever was working on a response. Lake stated that when one writes a letter they should get some sort of written response stating either that the information is not available or giving explanation as to how to obtain such information. Tonight she is formally requesting a written response to her letter as requested.

Discussion progressed as to whether the Planning Commission had ever received the letter and the efficiency of getting information to the Planning Commissioners. Lake stated that Gabe assured her back in May that every member of the Planning Commission and City Council had received a copy of the letter. Lake stated that she is formally requesting a written response to her letter as requested. Lake addressed the commission with concerns regarding the specific policies and procedures for developing a second dwelling; the discrepancy between regulations for California encouraging second dwellings and the City's regulations involving second dwellings; and lastly why have properties on both sides of her property been permitted to have second dwellings. Lake stated that both of these dwellings have become rentals since her request. She wants clarification as to why she has not been granted a request for a second dwelling and feels that this may be a civil rights issue.

Parker stated that the council has been discussing second dwellings and has directed the commission to look at second units and adopt a second unit ordinance. Some of the primary issues of concern involve septic systems, lot size, and parking. Parker stated that action is not taken on items from the floor, but that she would research the issue and prepare a written response. In regards to other possible second dwellings, Parker stated that Reinman was issued a stop work order and Fleschner had an existing non-conforming second unit which was in existence prior to the zoning ordinance.

V. AGENDA ITEMS

PLANNING COMMISSION DISCUSSION / ACTION / PUBLIC HEARING ITEMS

1. Reinschmidt 2005-02a: Modification of Design Review and Coastal Development Permit approval for a new residence to add an 8' x 20' solarium within the footprint of a previously approved deck and to modify the roofline of the previously approved garage. 15 Berry Road (at the intersection with Frontage Road); APN: 515-331-47.

Parker began by summarizing the project. This is a modification of a project approved two years ago and under construction since. The main alteration proposes the addition of a small solarium on the west side of the house which would add about 160 sq. ft. to the square footage. Additional modifications are proposed for the garage. The currently proposed garage is a detached structure of the same footprint, but located somewhat to the northeast of the original proposed location. Additional changes involved modifying the roof line and increasing the pitch of the roof for aesthetics purposes and as such these changes are subject to design review. The project meets all other zoning ordinance requirements. There are no changes regarding parking, landscaping, front yard setbacks, and septic.

The main issue with this project involves *the use* of accessory structures. If a garage is defined as an accessory structure then it is limited to 15 feet in height. The Zoning Ordinance defines accessory structures as a building or structure that is accessory to the main use of the lot. If the garage had remained attached it would be subject to the

main building height of 25 feet; if it's considered an accessory structure it would be limited to a building height of 15 feet. In a previous approval in 1999 the planning commission made the determination that garages are not considered accessory structures. A couple reasons for this include 1) it didn't seem consistent to allow a 25 foot garage if attached but only a 15 foot garage if it is detached and 2) an accessory structure of less than 500 square feet is exempt from design review requirements and would not need a permit. Therefore the Planning Commission made a determination that garages are not accessory structures but are part of the main dwelling although they are excluded from the main square footage. Commissioner Lake clarified whether an accessory structure, such as a shed, does not require a permit. Parker responded stating that the way the zoning ordinance is written, in most parts of town, includes an exemption for an accessory structure of 500 square feet or less and less than 15 feet in height. Accessory structures do have to meet front setbacks and must be at least 10 feet from any building. Parker stated that the Planning Commission does not have to follow the same interpretations that a previous Planning Commission made.

The project site is identified in the General Plan Environmental Conditions and Constraints document as an area of potentially containing a rare plant (*Dichondra donnelliana*). The General Plan policy states that *development should be reviewed to ensure that all reasonable means have been considered to protect any existing rare plants*. After reviewing the potential for rare plants on the site it is found that this plant is not listed as a rare plant and is no longer listed on the California Department of Fish and Game, the threatened or endangered species list, or the California Native Plant Society inventory of rare plants. The plant as described in the Jepson manual, which is the standard for plants in California, as occurring in on open slopes and moist fields, which don't occur on this property so the plant would not be expected.

The propane tank is shown on the site plan to be located behind the garage. Staff felt that when actually placing the propane tank that the company might advise them to move it to a more accessible location. Therefore staff included a condition that states if the propane tank is moved that the City Planner would need to approve the location, and if it is visible it would need to be screened. The design review and view protection findings are written in a manner to allow approval. There is no additionally grading needed; materials and colors will be the same; no changes in landscaping; no signs; the project includes underground utilities; the house is slightly under the 2,000 sq. ft. guidelines and well under the 10 percent floor-to-area ratio guideline. The project is not in a location where it could block views; it is visible in certain areas of town; and not within 100 ft of any of the protected properties. Staff provided a motion of approval for the project, but the Planning Commission has other alternatives, you may add or remove conditions of approval to address any concerns, you may delay action and continue the hearing to obtain further information, or you may deny the project.

Commissioner Lake stated that at the prior approval of the project the house was over 2,000 sq. ft. Parker stated that there was a separate work area in the garage approximately 266 sq. ft. and that is not separated anymore. The definition of the floor-to-area ratio excludes garages but not workshops. So when it was separately walled

off as a workshop it was included in the square footage of the main residence. Commissioner Morgan asked whether the applicants have seen the conditions of approval. Parker stated that they are mostly the same as in the previous staff report and a condition is included that states all the previous conditions still apply. Parker then reviewed aloud the conditions of approval for the public. Commissioner Lake asked when someone builds an attic space in the garage does that area have to be shown in the plan. Parker stated that it would have to be shown on the building plan and we don't have a floor plan for the attic space. Parker stated that as far as she is aware that it is only a storage space. The applicant confirmed that the space is indeed only a storage place and will have a pull down ladder. Commissioner Johnson asked staff to verify the meaning and interpretation in the 1999 staff report that states that garages are not accessory structures. His understanding that this is not an ordinance but an interpretation made at one time, and that again could be subject to interpretation any time in the future. Parker confirmed Commissioner Johnson's interpretation as correct. Commissioner Johnson inquired whether the current location of the propane tank meets all of the ordinances and safety considerations. Parker confirmed it meets the zoning requirements, which as an accessory structure is required to meet front setbacks and must be 10 feet away from any building. Planning staff looks at the location in the terms of aesthetics and states that is the reason for the condition of approval. Commissioner Johnson verified whether staff is happy with the current location. Parker stated yes, because it wouldn't be visible. Commissioner Johnson confirmed the location of the new solarium. There were no public comments.

Motion: Johnson made the following motion: *Based on the information submitted in the application included in the staff report and public testimony, I move to adopt the information and findings included in this Staff Report and recommend approval of the project as conditioned below.* Motion seconded by Lake. Motion passed 3-0.

VI. STAFF REPORT

- 1) Parker asked the Planning Commission for clarification regarding the letter from Kathy Lake. The Planning Commission directed Parker to prepare a response letter for Kathy Lake.
- 2) Final review of the OWTS Ordinance is scheduled for March 21, 2007. Staff has not yet met with the director of the Health Department as he has been unavailable. Staff hopes to meet with him next week.
- 3) Parker asked for direction from the Planning Commission as to the best method to receive the packets in a timely fashion. Commission requests Parker to notify them by email a week in advance that there will be a scheduled meeting and to have the packets available the Thursday prior to the meeting. Each commissioner will know that they are available and make their arrangements to pick them up. The Next meeting is scheduled for March 21, 2007.
- 4) We performed our first round of water quality sampling under Prop 50 for the OWTS component. We went out the first day after .05 inch of rain, which was a

first flush event, and those results revealed some very high bacteria counts. After the second day of rain the results were much more normal.

VII. **LIAISON REPORT**

- 1) The Council is collaborating with HSU Marine Lab and the Rancheria on an implementation grant to propose methods to reduce stormwater runoff and utilize Low Impact Development (LID) technologies to increase onsite infiltration. Some of the LID methods discussed included vegetation swales and underground storm chambers. An analysis will be done to assess ground water runoff patterns with special concerns at the Tsurai Village study area.
- 2) The Council confirmed the renewed Planning Commission seats for Richard Johnson, Judy Lake, and Mike Morgan. At the next meeting a new chair will be elected.
- 3) The Council determined that one Planning Commissioner may live in the greater Trinidad area. Previously all Planning Commissioners were required to live within the City limits. City Council members are required by law to live within the City limits. Commissioner Lake expressed interest as to why this subject was discussed at the Council rather than at the Commission. Lake expressed that if there were no persons in the City interested in serving on the Commission then it is acceptable to extend the invitation to someone residing in the greater Trinidad area; however she generally expressed opposition to having someone living outside of the City making decisions about what takes place in the City.
- 4) The Council came up with a process to fill the vacant council seat provided by Dean Heyenga's resignation. The process will involve applicants undergoing public interviews before the Council and the general public. There will be an opportunity for everyone to ask questions of the applicant, the public can give their input, and then the Council will vote.

VIII. **ADJOURNMENT**

Lake adjourned the meeting at 8:35.

Respectfully Submitted by: Michelle Bedard, Assistant City Planner
Secretary to the Planning Commission
City of Trinidad

2005-20090-4

Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder

Recorded by TRINIDAD CTY
Exempt from payment of fees
Clerk: DG Total: 0.00
Jun 20, 2005 at 10:24

**Recording requested by
and When recorded return to:**

RECEIVED

JUL 18 2005

City Clerk
City of Trinidad
P.O. Box 390
Trinidad, CA 95570

City of Trinidad

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUENT TO
SECTION 27383 OF THE CALIFORNIA GOVERNMENT CODE

DEED RESTRICTION

RECITALS

WHEREAS, Rolf A. Rheinschmidt, herein referred to as "Owner," is the record owner of real property described as Assessor's Parcel No. 515-331-47 and in the attached Exhibit A, herein referred to as the "Property;" and

WHEREAS, the CITY OF TRINIDAD, herein referred to as the "City," is vested with planning, building and coastal permitting discretion and authority; and

WHEREAS, pursuant to the City Zoning and Subdivision Ordinances, and the local Coastal Plan, the Owner applied to the City for design review, coastal development permit (#2005-02) for construction of a new 1,960 s.f., 20' tall, 3-bedroom, manufactured home, with garage, decks, utilities and a septic system on a vacant lot (herein referred to as "Permit"); and

WHEREAS, approval and issuance of the Permit is subject to the following terms and conditions, to be recorded on deed:

1. That Owner would not increase the number of bedrooms on the Property above three without additional City approval of adequate sewage disposal facilities.

WHEREAS, when granting the Permit, the City found that but for the imposition of the above conditions the proposed development could not be found consistent with the provisions of the zoning ordinance and local coastal plan and that a Permit could otherwise not be granted; and

WHEREAS, Owner has elected to comply with the conditions imposed by the Permit and execute this Deed Restriction to enable Owner to undertake the development authorized by the Permit.

NOW, THEREFORE, in consideration of the granting of the Permit to the Owner by the City, the Owner hereby irrevocably covenants with the City that there be and hereby is created the following restrictions on the use and enjoyment of said Property, to be attached to and become a part of the deed to the Property.

1. Covenants, Conditions and Restrictions. The undersigned Owner, for itself and for its heirs, assigns and successors in interest, covenants and agrees that:

a) At no time shall there be more than three (3) bedrooms on the Property without prior written approval by the City of adequate sewage disposal capabilities.

2. Run With the Land. This Deed Restriction shall run with the land, bind all successors and assigns, and shall be free of all prior liens and encumbrances, except tax liens.

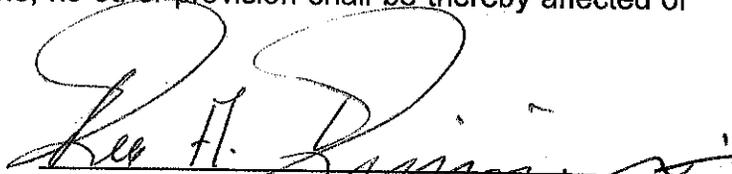
3. Taxes and Assessments. It is intended that this Deed Restriction is irrevocable and shall constitute an enforceable restriction with the meaning of both Article XIII, Section 8, of the California Constitution; and Section 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden the Property within the meaning of §3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

4. Right of Entry. City, or its employees or agents, may enter onto the Property at a time reasonably acceptable to the Owner to ascertain whether the use restrictions set forth above are being observed.

5. Remedies. Any act, conveyance, contract or authorization by the Owner, whether written or oral, which uses or would cause to be used or would permit use of the Property contrary to the terms of this Deed Restriction will be deemed a violation and breach hereof. The City and the Owner may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction. In the event of a breach, any forbearance on the part of either party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

6. Severability. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Dated: 6.17.05


Rolf A. Rheirshmidt

CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Humboldt

On June 17, 2004, before me, a notary public, personally appeared Rolf A. Rheinschmidt, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

WITNESS, my hand and official seal.

Sara L. Moore

Notary Public
In and for said County and State



"EXHIBIT A"

(Attach a good, clear copy of the legal property description here.)

Exhibit A

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

TRACT B:

That portion of the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 23, Township 8 North, Range 1 West, Humboldt Meridian, described as follows:

PARCEL ONE:

Parcel "B" as shown on the Record of Survey recorded in Book 59 of Surveys, Page 71, Humboldt County Records.

PARCEL TWO:

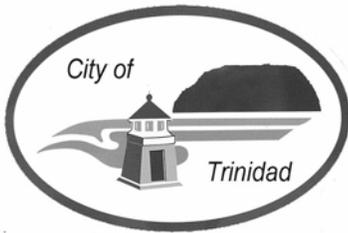
A non-exclusive easement for ingress, egress and public utility purposes over, under and across that portion of Parcel "A" as shown on said Record of Survey which lies within Parcel 4 as shown thereon.

RESERVING unto the Grantors, their heirs, successors and assigns, a non-exclusive easement for ingress, egress and public utility purposes over, under and across that portion of said land which lies within Parcel 4 as shown thereon.

TRACT C:

That portion of the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 23, Township 8 North, Range 1 West, Humboldt Meridian, described as follows:

Parcel "C" as shown on the Record of Survey recorded in Book 59 of Surveys, Page 71, Humboldt County Records.



Onsite Wastewater Treatment System Operating Permit

Permit Information

Permit #: 04-58-2015

Permit Issued To: Rolf Rheinschmidt

Site Address: 15 Berry Road

Permit Fee: \$150 (VDU)

Expiration Date: 06/01/2020*

APN: 515-331-47

Issuance Date: 08/20/2015

Fees Paid: \$0

OWTS Information

Type of System: Standard (pump)

Performance Rating: Good

Year Built: 2007

Date last Pumped: 05/01/15

Date Inspected: 05/01/15

Use(s): VDU

Lot Size: 47,000 sq. ft.

Capacity: 3-bedrooms

Actual Bedrooms: 3

People: Varies

Tank Size: 1500g

Other components: Pump (short)

Notes

- Fee not paid.

Terms & Conditions of Use

- This permit is provisional until the \$150 permit fee is paid, due within 60 days of issuance of this permit. Once payment is received, the expiration date above* will become effective.

OWTS Performance Rating

CRITICAL FACTORS	GOOD (10)	SATSF (6)	POOR (2)	NOTES
SEPTIC TANK SIZE		X		
SEPTIC TANK CONDITION	X			
LEACHFIELD DEPTH	X			
LEACHFIELD ABSORPTION AREA	X			
LEACHFIELD INCOMPATIBLE USES	X			
RESERVE AREA	X			
OTHER FACTORS	(5)	(3)	(1)	
SEPTIC TANK RISER	X			
DIST BOX ACCESSIBLE	X			
SURFACE DRAINAGE OK		X		
DEED RESTRICTION	X			
LOT COVERAGE	X			
Range:	85-68	67-35	34-17	
TOTAL:	79			RATING: Good

Estimated OWTS Pumping Schedule (start with 36 months)

Item	Credit	Item	Debit
Front loading / HE washer		Water Conditioner	
4 or fewer loads per week		Regularly 3+ loads of laundry in a day	
Conservative Water Use	10	High Water Use	
Low flow toilets		Garbage Disposal	
Low-flow shower heads		Home Occupation / VDU	10
Oversized tank or Leachfield		Undersized Tank or Leachfield	
One person or less per bedroom		More than 2 people per bedroom	
Often unoccupied	5	4+ overnight guests several times / year	
Performance Rating of Good	10	Performance Rating of Poor	
System less than 10 years old	5	System installed prior to 1985	
Pretreatment System		Use of additives / chemicals	
Effluent Filter	10	Nonstandard System	
		Nonconforming System	
Totals:	+25	Maintenance Schedule:	66 mo.s

*Note that a maximum inspection schedule of 5 years (60 months) is allowed for standard systems and 3 years (36 months) for non-standard or unknown systems. Inspection schedules are based on the estimated maintenance / pumping schedule, but may be shorter if the tank has not been pumped within the recommended maintenance schedule.



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: April 11, 2019

RE: Winnett Application 2019-01

This is another garage project that does not fit neatly into Trinidad's rules. And based on the discussion of the Rheinschmidt garage at the March meeting and the fact that the past precedent of how to interpret the ordinance may change, I wasn't sure how best to advise the applicants on how to proceed, or even what their options are. The Planning Commission should consider the various regulations and how to best apply them to this project. And the decision on the Rheinschmidt project may impact how this one is processed. Hopefully this discussion will give the applicant a clear way to move forward with their project.

As described in the Rheinschmidt staff report, the City's regulations regarding accessory structures are very limited. And while it was accurately pointed out that detached garages are normally regulated as accessory structures, ordinances generally provide more flexibility and / or specificity for them. For example, both Blue Lake and Arcata regulate things like height and setbacks for accessory structures similar to the requirements for primary structures. In both cases, greater heights are allowed with greater setbacks.

Because of the sometimes conflicting and ambiguous provisions in Trinidad's zoning ordinance, staff and the Planning Commission have had to make interpretations of how to apply them to specific situations. The ideal solution would be to amend the ordinance. Unfortunately, small changes to correct deficiencies can be difficult due to the need for all amendments to be certified by the Coastal Commission. For example, a few years ago, the City amended §17.72.100.D governing appeals to change the language from "there shall be no fee for filing an appeal" to "fees for filing an appeal shall be set by Resolution of the City Council." However, the Coastal Commission would not accept that amendment on its own, because other parts of that section relating to the appeal process did not conform with current Coastal Commission regulations, and they wanted those updated too. But making those changes would have

opened a Pandora's box of other related amendments to notification procedures and hearing procedures, etc., so the City dropped the amendment.

As proposed, the garage is a separate structure, but it is attached to the main residence via a breezeway. The Building Code defines that as "attached." In that case, the garage would be required to meet residential setbacks as part of the primary structure. Section 17.08.410 defines the lot frontage for corner lots as the narrowest street frontage, which is Edwards, even though the physical access is from Hector Street. Therefore, per §17.32.060 (minimum yards in the UR zone), the required setback from the north property line would be 15' (rear), and from the west property line 5' (interior side) and from the east property line 15' (street side). As an attached structure, the garage would not be able to meet the rear property setback of 15' from the north property line.

So, as proposed, the only way to approve the project would be through a Variance. Trinidad has no other process to allow exceptions from the Zoning Ordinance standards. Court rulings have put strict limitations on making Variance findings, restricting them to situations with substantial physical limitations on the property. Staff normally does not recommend approval of Variances for this reason. However, due to the lot configuration, the slope near Edwards and how the lot frontage is defined, it may be possible to make those findings in this case. However, depending on how the regulations are interpreted, the owners may have other options.

If the garage were not attached to the primary structure and regulated as a detached accessory structure, it would be limited to 15' in height, and it would need to be another 5' from the primary structure (§17.56.090 requires accessory structures to be 10' from any on-site building). But, then it would not need to meet any setbacks except the front setback, and could be moved 5' to the north, abutting the property line, and still meet zoning code requirements. However, it is generally not consistent with the building (fire) code (or desirable for the neighbors) to have a building right up against the property line, though it could be done with construction of substantial fire wall(s).

Further, if this structure is regulated as an accessory structure, then §17.60.030 exempts "accessory structures of less than five hundred square feet in floor area and not less than fifteen feet in height" from Design Review. (It is pretty obvious that this should read "more than 15 feet in height, but this is another example of the need to interpret Trinidad's ordinances.) Section 17.72.070.B similarly exempts "construction of accessory structures or buildings of less than five hundred square feet of floor area and less than fifteen feet in height" from Coastal Development Permit requirements in most areas of the City. Staff has interpreted this to mean up to 500 sq. ft. in total floor area for all accessory structures, not multiple accessory structures of 500 sq. ft. However, that is not specified in the ordinance, and a literal interpretation would allow the exemption of multiple accessory structures of 500 sq. ft., all not having to meet side or rear setbacks nor obtain planning approval. That doesn't seem appropriate and was likely not the

intent of the regulation, hence, the need for interpretations in order to apply these provisions in an orderly fashion.

If the proposed garage is attached to the existing 430 sq. ft. shop/shed (but not attached to the primary structure), the above exemptions should not apply (but again, the language is ambiguous), because the entire structure (even with a wall between them) would total more than 500 sq. ft. in floor area. Then it could be approved with Design Review, but it would still have to be moved 5' to the north and be 15' in height. No Variance would be needed, because the structure would not be required to meet the rear setback as a detached accessory structure.

In summary, the potential exists for the owners to detach the proposed garage from the existing structures and limit the height to 15 ft., then it could be constructed without planning approval and no setbacks under the interpretation that detached garages are accessory structures. Alternatively, it could remain attached to the shop/shed, but be shifted 5' north so it is detached from the primary structure, and be approved with Design Review with no setback from the north property line, but it would still have to be limited to 15' in height.

As described in the Rheinschmidt staff report, this has not been staff's or the Planning Commission's interpretation of the regulations. However, based on the discussion at last month's meeting, I was not completely sure how to advise the property owners. And to further complicate matters, the Planning Commission could determine that garages less than 15 ft. in height could be regulated as accessory structures, and garages more than 15 ft. in height are subject to residential development standards.

Staff has misgivings about not requiring any setback for detached garages, but in this case, there are already several nearby structures that don't meet setbacks. At this point, staff would probably recommend pursuing a Variance to allow a reduced rear setback along the north property line. I provided the Variance findings at the end of this memo, so that you can easily reference them, but you should avoid any detailed discussion of them at the meeting, since this hearing was not noticed for consideration of a Variance.

Prior to moving forward with this project, which could require a redesign and/or renotification for a Variance or other changes to the project, the applicants are requesting some guidance from the Planning Commission on how the ordinance will be interpreted and how they should proceed. There are 3 primary options for this project:

1. Regulate the proposed garage as a detached accessory structure, detach the structure from both the shop/shed and primary structure and move it or reconfigure it so that it is 10' from both structures, limit it to 15' in height, and only require a building permit, with no setbacks and no planning approval.

2. Regulate the proposed garage as a detached accessory structure, detach it from the primary structure, but leave it attached to the shop/shed, limit it to 15' in height and approve it with Design Review (no rear setback required).
3. Process the project as proposed as a Variance from the rear setback requirement as well as Design Review for an addition to the primary structure.

Interpretations to consider:

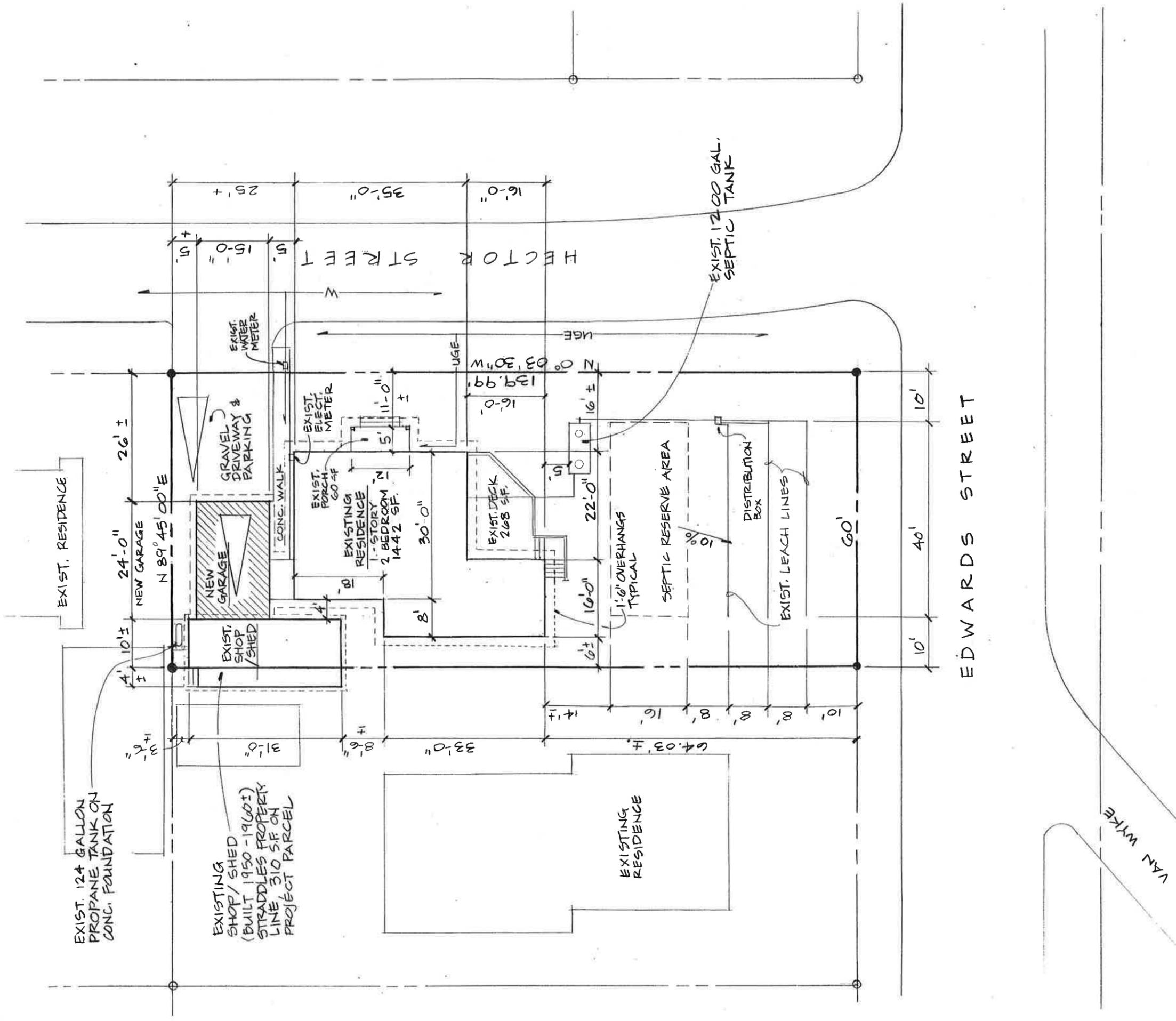
1. Are detached garages regulated as accessory structures or as residential structures (theoretically this will be determined as part as part of the Rheinshmidt application)?
2. If garages are generally regulated as residential structures, should a detached garage that does meet the accessory structure requirements (e.g. less than 15' in height), be regulated as an accessory structure and not have to meet any but front and street side setbacks?
3. Should a total square footage of accessory structures over 500 sq. ft. require design review, or should each accessory structure of less than 500 sq. ft. be exempt regardless of the square footage of other accessory structures on the property?

17.72.030 Variance findings. A variance may be granted only upon adoption of written findings showing that all of the following conditions are present:

- A. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class or district; and
- B. That owing to such exceptional or extraordinary circumstances the literal enforcement of specific provision of this title would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property; and
- C. That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties; and
- D. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district; and
- E. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvement in the vicinity; and
- F. That the granting of such variance will be consistent with the general purpose and intent of this title and will be in conformity with the policies and programs of the general plan and the Trinidad coastal program; and
- G. That the variance will not permit a use other than a use permitted in the applicable zoning district; and
- H. That either the variance will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen

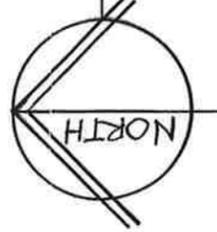
any significant adverse impact that the actions allowed by the variance may have on the environment;

- I. When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or the mean high tide line where there is no beach, whichever is the greater, that:
 1. The development provides adequate physical access or public or private commercial use and does not interfere with such uses,
 2. The development adequately protects public views from any public road or from a recreational area to, and along, the coast,
 3. The development is compatible with the established physical scale of the area,
 4. The development does not significantly alter existing natural landforms,
 5. The development complies with shoreline erosion and geologic setback requirements. (Ord. 166 §7.08, 1979)



PLOT PLAN DATA

LOT AREA: 9008 SF ±
 # OF BEDROOMS: 2
 PROPOSED = EXISTING
 UNCONDITIONED AREA:
 EXISTING: 1442 SF
 UNCONDITIONED AREAS:
 NEW GARAGE: 300 S.F.
 EXIST. SHOP: 310 S.F.
 EXIST. PORCH: 60 S.F.
 EXIST. DECK: 268 S.F.
 NEW BREEZEWAY: 40 SF
 TOTAL 1038 SF
 LOT COVERED W/ STRUCTURES:
 28% (APPROX.)



SITE PLAN

SCALE: 1" = 20'-0"

NOTE

1. PROJECT IS WITHIN THE COASTAL DEVEL. ZONE
2. NO TREES ARE TO BE REMOVED.



BONNIE L. OLIVER
 A R C H I T E C T
 1953 COTTONWOOD AVENUE
 MCKINLEYVILLE, CA 95519
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 bonnie.l.oliver.architect@gmail.com

AP.N. 042-041-017

NEW GARAGE

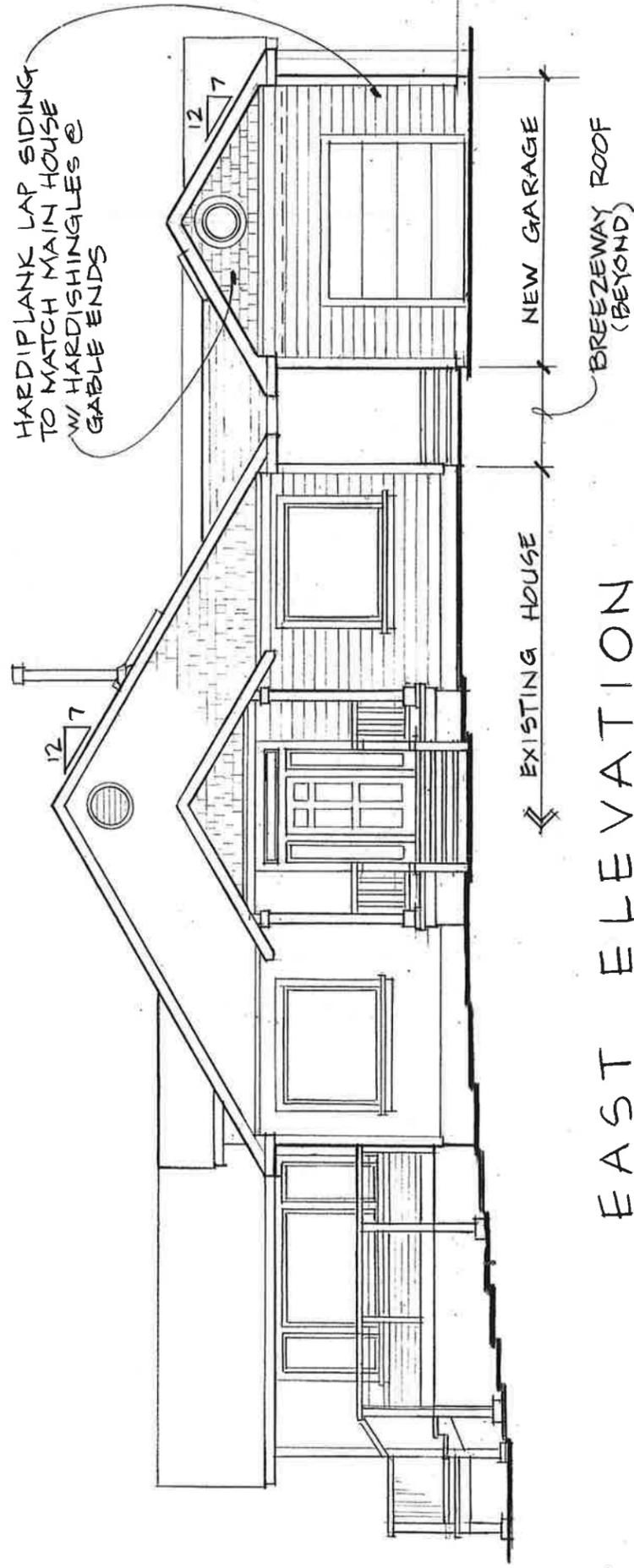
FOR

DAVID & SHARON WINNETT

AT: 586 HECTOR STREET
 TRINIDAD, CA 95570

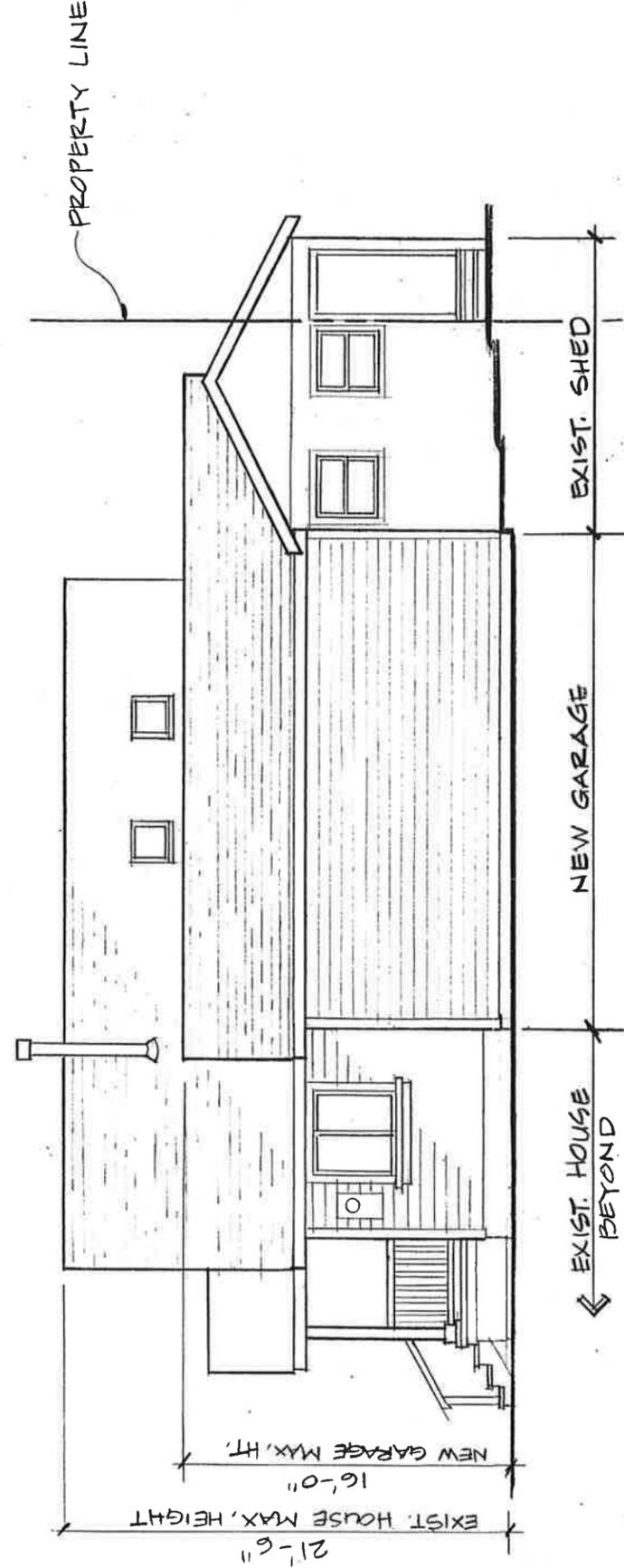
DATE:
12/19/18

SHEET
A1



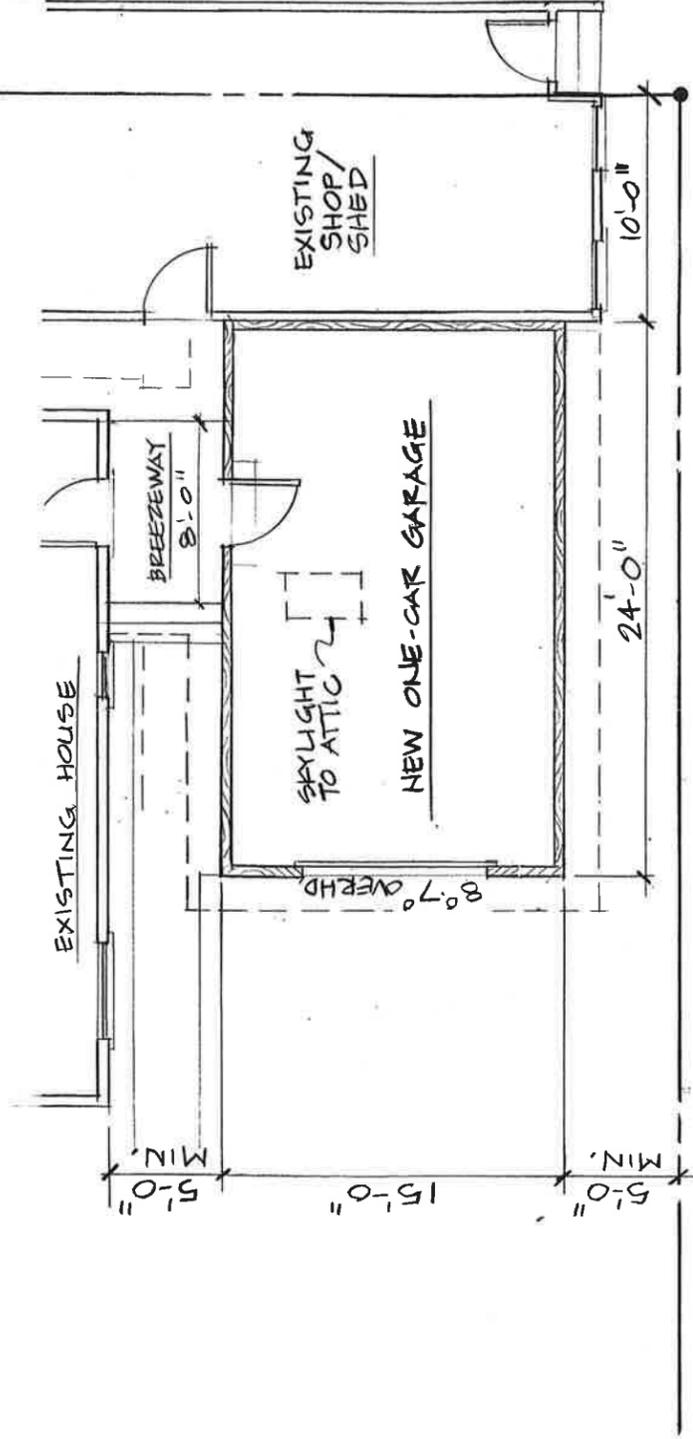
EAST ELEVATION

SCALE: 1/8" = 1'-0"



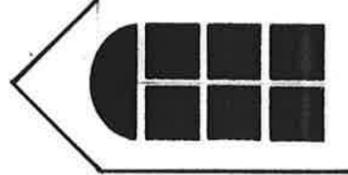
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



GARAGE FLOOR PLAN

SCALE: 1/8" = 1'-0"



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NEW GARAGE

FOR

DAVID & SHARON WINNETT

AT: 580 HECTOR STREET
 TRINIDAD, CA 95570

DATE:
12-19-18

SHEET
A2

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by : ~~B. D. ...~~ Kathleen Lake

1) Name or description of project: Winnett Garage

2) Date and time of receipt of communication: _____

3) Location of communication: Winnett Home - meeting visit
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: K. Lake

5) Identity of person(s) on whose behalf communication was made: K. Lake

6) Identity of persons(s) receiving communication: Mr D Winnett

7) Identity of all person(s) present during the communication: Dave Winnett
& Kathleen Lake

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Specifications for proposed garage area.

Date _____
Title Planning Commissioner Signature Kathleen Lake

Date Filed with the Trinidad City Clerk _____
Filed within seven (7) days of the ex parte communication Yes/No (B)