



NOTICE AND CALL OF A MEETING OF THE  
**TRINIDAD PLANNING COMMISSION**

The Trinidad Planning Commission will hold a regularly scheduled monthly meeting on  
**WEDNESDAY June 19<sup>th</sup>, 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 - May 15, 2019
- III. APPROVAL OF AGENDA
- IV. ITEMS FROM THE FLOOR
- V. AGENDA ITEMS

**Discussion / Decision / Public Hearing / Action**

1. ASBS Stormwater Improvement Project- Phase 2: 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.
2. Gilmour 2019-04: Design Review and Coastal Development Permit to extend an existing, approximately 8' by 22' deck by 8' to the south and 4' to the east. The finished deck will be approximately 16' x 27' and will vary in height from the ground due to the slope of the property. New stairs will provide access to the deck from the south. Located at: 824 Edwards Street; APN: 042-041-043. *Continued from the May 15, 2019 agenda.*
3. TCLT 2019-05: Use Permit and Coastal Development Permit to remove one large (>12" DBH) non-native, holly tree that poses potential hazard to structures, City

infrastructure (sidewalk) and blocks sunlight to an historic structure. A prior request to remove the tree in 2012 was approved, but the approval has expired. Located at: 490 Trinity Street; APN: 042-031-027.

4. Spiegle 2019-06: Coastal Development Permit and Design Review add approximately 508 sq. ft. to the existing 294 sq. ft. second story deck. The new deck will follow the footprint of an existing concrete patio along the west side of the residence. Located at: 895 Underwood Dr.; APN: 042-031-001.
5. General Plan Update: Discussion of next steps and scheduling.

**VI. COUNCIL REPORT**

**VII. STAFF REPORT**

**VIII. FUTURE AGENDA ITEMS**

**IX. ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD PLANNING  
COMMISSION  
WEDNESDAY, MAY 15, 2019**

**I. CALL TO ORDER/ROLL CALL (6:02 pm)**

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

**II. APPROVAL OF MINUTES**

*April 17, 2019*

*Motion (Kelly/Lake) to approve as submitted. Passed unanimously (3-0).*

**III. APPROVAL OF AGENDA**

*Motion (Lake/Kelly) to approve the agenda as submitted. Passed unanimously (3-0).*

**IV. ITEMS FROM THE FLOOR**

A. Grau (433 Ewing) stated the construction of the balconies on the 4-plex on Parker St. is not consistent with the plans that were approved by the Planning Commission. He stated they look like solid roofs with vents, and some residents are displeased with the impact on the viewshed. He provided pictures of the location for review at the meeting.

In response, Commissioner Graves requests a site review from City Planner, Parker. Commissioner Lake states that the City needs to follow through with conditions of approval.

**V. AGENDA ITEMS**

1. ASBS Stormwater Improvement Project - Phase 2: 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.*

*Staff report*

City Planner Parker clarified that the ASBS Stormwater Improvement Project - Phase 2 is going through the same process as recently occurred for the Van Wycke project (CEQA document approved in April 2019). She explained that the purpose of the project is to decommission the existing stormwater outfall on Launcher Beach in order to comply with the CA Ocean Plan's prohibition of waste discharges into ASBS. The current stage of the

project is the environmental impacts assessment under the California Environmental Quality Act, and an Initial Study / Mitigated Negative Declaration (IS/MND) is being proposed. She discussed that currently, the IS/MND is in the 30-day public comment period, and no action is being taken at this meeting. She advised that the stormwater outfall will be replaced with localized stormwater treatment chambers and infiltration basins, along or near Ewing St., Underwood Dr., Edwards St., and the Trinidad Harbor parking area. The project will also include the installation of a new stormwater drainage pipe, connecting to the existing pipe at the intersection of Galindo and Van Wycke. She stated the drainage pipe between the intersection of Van Wycke and Galindo and the existing outfall will be abandoned in place.

Furthermore, the project will require future discretionary permits from the City as well as from the Coastal Commission prior to construction. She explains that the project is based on a robust ground water study and geotechnical studies. She clarified the design is not totally final, but impacts would be less than significant with specific mitigation measures incorporated, so the City is proposing to adopt a Mitigated Negative Declaration. Parker advised that tribal consultation requirements were met, and adjacent property owners were notified. She clarified the City is currently working on revising the final design to minimize potential impacts on cultural resources. She confirmed that there was a large match required for the State funding, and so the City also applied for Federal funding through USDA; a Finding of No Significant Impact under the National Environmental Policy Act has already been completed.

#### *Commissioner Questions/Comments*

Commissioner Lake requests the Yurok comment letter. Parker is unsure what letter is being referred to, but tribal correspondence is provided in the archeological report, which is available in City Hall. Lake explains that she is concerned about cumulative impacts, and requests an EIR. She opines that groundwater impacts may be problematic and questioned the cost of the project. She is also concerned about the size of the project.

Commissioner Kelly asks whether the City will be working on this project in alignment with the Van Wycke project. Parker explains that, while she does not know the exact time frame of the construction, this project is in a different location from the Van Wycke project; construction of a retaining wall is the biggest component and would not affect traffic in the same places the stormwater project. Kelly requests clarification regarding the City's drainage system and whether this project increases stability. Commissioner Graves echoed Lake's and Kelly's concerns regarding cumulative impacts, and stated a large overview should be taken, as the project is on the same bluff side.

#### *Public Comment*

A. Grau (433 Ewing) requests clarification on noticing requirements. He states that the project is out of scale with the community, and he wants an EIR.

L. Farrar (433 Ewing) states the geotechnical information was vague, and states her concerns about the instability of the bluff. She requested to see the “flow” of the City, as it is unclear that the areas chosen for construction are the best.

Parker addresses public comments, advising that detailed geotechnical studies were prepared to inform the design of the project. She also advised that all residents within a 100ft of the project were notified.

#### *Commissioner Discussion*

Commissioner Lake stated there is not enough information in front of the Commission in terms of options. She advised that she wants a conservative project, as the outcome of the project is unclear. Parker advised that the Council has already decided on the proposed project as the best alternative. Parker clarified that the Planning Commission has the authority to make determinations based on the CEQA document and permits. Lake revisits the lack of tribal consultations, stating the Yurok did not comment on the second option for the project. Parker confirmed that SHN did a walk through of the site with Yurok representatives.

Both Commissioners Lake and Kelly questioned the \$70k being spent. Parker confirmed \$70k was spent on the multiple studies that were conducted and further explained that the City has a legal obligation to treat the stormwater discharge, which has an expensive annual monitoring requirement. She stated there are significant restrictions imposed by the State Water Resources Control Board and the CA Ocean Plan, and the City is trying to eliminate the discharge.

Commissioner Graves explains that this item will be continued to the June 19 meeting.  
*No action taken.*

2. Winnett 2019-01: Design Review, Coastal Development Permit and possible Variance to construct a new 24-ft x 15-ft, 360 sq. ft., 15-ft tall, detached, single-car garage within the existing gravel driveway area. The Variance is to allow a reduced setback for the garage. Located at: 586 Hector Street; APN: 042-041-017.

#### *Staff report*

City Planner Parker states this is a continuation from the April 2019 meeting. She advises the project proposes a new garage structure, but stresses that the project does not fit conveniently into Trinidad’s outdated regulations. However, she advises that since the last meeting in April, the owner has modified the proposed project slightly; reducing the roofline and removing the breezeway between the house and garage. Parker again explains that while there is no definition for garages in the General Plan, the Planning Commission has applied residential development standards, including setbacks, to garages. Parker furthermore discusses that if garages are treated like accessory structures then anything less than 500 square ft. in area and 15 ft. in height would be exempt from

both a CDP and design review, which could be abused. Parker explains that the current proposal is to have the garage physically attached to the existing shop/shed on the property's western property line. She clarifies that if the garage is held to residential standards, and attached to the existing shop/shed, it will not meet setbacks. Parker advises that if this occurs it will increase the degree of nonconformity. However, the garage itself does meet the requirements for a detached accessory structure. Parker discusses that if the garage were moved to the north to meet the 10 ft. setback from other structures, the viewshed and propane tank will be impacted.

Parker explains that, after taking all the information and alternatives into consideration, staff still recommends a variance. She recommends that the garage be allowed to be closer than 10 ft. to the primary residence, as the applicant did bring the structure to 15 ft. in height. She advises that the property's slope stability is stable, and septic and parking are not impacted. The staff recommendation is due to the following: that there will not be anticipated detrimental effect to adjacent properties, the proposed location is the only feasible area to construct a garage, and providing a setback from the north property is less detrimental to the neighboring property than having no setback. Parker states that while staff rarely proposes a variance, this is a corner lot, so setbacks take up more of the property, and the slope limits the buildable area. In this case, some of the the physical limitations are natural, and it is one of the oldest developed properties in Trinidad, dating back to at least the 1940's.

#### *Commissioner Questions/Comments*

Commissioner Lake opines that a limit of 15 ft. will create consistency with detached garages. Commissioner Graves questions if the requirement for the variance is to have the structure be 5 ft. from the property line. Planner Parker clarifies that detached accessory structures, if that's how this garage is defined, do not need to meet setbacks, and that the variance is to allow 5 ft. rather than the required 10 ft. between structures.

#### *Public Comment*

D. Winnett (Applicant) stated that he doesn't have any additional comments, as the staff has addressed everything.

D. Cox (436 Ocean) stated that she wants clarification on the process for notifying the surrounding residences.

L. Farrar (433 Ewing) questioned staff whether or not story poles are a thing anymore.

#### *Commissioners Discussion*

Commissioner Graves advised that the City's outdated General Plan and land use codes are making decisions difficult. Commissioner Lake states that she doesn't find a problem with the variance findings, but she would like the applicant to consider putting up story poles; she states it has always been a requirement and it will allow for consistency. Parker

clarified that story poles have never been a requirement in the zoning ordinance, but that staff and/or the Planning Commission sometimes request them when views could be substantially impacted. Commissioner Graves states that he has observed the property and does not believe there will be much viewshed disruption. He opines that story poles are unnecessary in this case, as the applicant has done everything the City has requested. Commissioner Kelly echoed Graves statement, and stressed she is concerned that the applicant will not have time to put story poles up.

*Public Comment:*

D. Winnett (Applicant) stated there is only one neighboring home that will see the garage, and he has spoken with this neighbor extensively. He advised in this case, he will not have time to put story poles up.

In response, Commissioner Lake withdrew her request for story poles.

***Motion (Lake/Kelly) to adopt the information and required Design Review, View Protection, Variance and other findings in this staff report and approve the project as submitted in the application, and described in this staff report, and as conditioned herein. Motion passed unanimously (3-0).***

3. Rheinschmidt 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. ***This application was withdrawn and was not heard.***
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 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. *Continued from the March 20, 2019 and April 17, 2019 meetings.*

*Staff Report*

Planner Parker summarized some of the project history, noting that in the early 2000s, CAL FIRE's water source became contaminated and, they have taken multiple measures to mitigate the problem. She explained that every measure taken failed, so the station has been relying on trucked and bottled water for domestic use. She explained that in 2009 the Humboldt County Local Agency Formation Commission (LAFCo) approved a water extension from the City of Trinidad's water system, because the station provides a critical service. After the LAFCo approval, CAL FIRE approached the City, who then approved

the request in concept in October of 2009. After City approval, CAL FIRE sought funding authorization, and then approached the City again to discuss the next steps for the connection in 2014. At that point the Coastal Commission became involved and determined that in order to approve the connection, amendments to both County and City LCPs would be required.

After all procedures and conditions were met, the amendments were approved in December of 2018, which went into effect in February of 2019. Parker explained that the City's most recent water production analysis study provided evidence that the plant can efficiently produce the water needed. The project includes the installation of a 1.5-inch diameter pipe, spanning 5,400 linear ft. under Patrick Point Drive, and the City Engineer submitted a written finding that the City has the capacity to service the station. Parker clarified that a 1.5-inch pipe is not large enough for other residences/businesses to connect to it, and advised that a grading permit/CDP is required for soil disturbance. Parker states that the staff recommends approval, but advised that CAL FIRE has an issue with condition 6, as CAL FIRE felt they were being singled out to be cut off first. Parker recommends adding language to condition 6 that references the service agreement that will be developed between the City and CAL FIRE that will clarify those details.

#### *Commissioner Questions/Comments*

Commissioner Kelly states that she respects what CAL FIRE does, but questioned whether this is solely for domestic water use, and whether the fire station has LEED certification, or any means of water conservation. She suggested a LEED certification condition of approval. Parker clarifies that the water will be for domestic use only; the 1.5-inch line would not provide for higher flows. Commission Kelly also confirms the assumptions and calculations for the estimated use.

Commissioner Lake states she is concerned that Trinidad's water situation is unclear, and wants policies in place before giving water to CAL FIRE. Additionally, Lake states the additional costs are unknown. Parker clarified that there is no anticipated increase in cost and noted that it is a small amount of demand for a public service to the City, and that the City Council has already approved the connection. Lake states that there are too many unknowns, and the City needs to wait for the studies and policies to be completed.

#### *Public Comment*

CAL FIRE representative (Applicant) stated that the requested amount of water is a very high estimate, as last year when they responded to 30 emergencies the most people the station housed were 14; he clarified that on average there are six. He advised that during the drought, CAL FIRE installed low flow devices and implemented conservation techniques. Furthermore, the connection will substantially reduce the cost to CAL FIRE of the water load that is currently being delivered.

*Commissioner Discussion*

Commissioner Graves stated it is a reasonable request and he is in favor of approval, though he notes that understands Commissioner Lake's concerns. Commissioner Commissioner Lake stated she wants to know how the City would prioritize the emergency shut off. Parker confirmed that the shut off is up to the City staff and City Council, while stressing that the City's first obligation is to serve the residents and businesses of Trinidad inside the City limits.

In response, City Manager Naffah stated that CAL FIRE has storage that can be used if water has to be shut off in an emergency, where most other users do not. He further stated that Trinidad residents and businesses are the top priority.

***Motion (Lake/Kelly) to adopt the information and findings in this staff report and approve the project as submitted and as conditioned herein. Motion passed unanimously (3-0).***

5. Gilmour 2019-04: Design Review and Coastal Development Permit to extend an existing, approximately 8' by 22' deck by 8' to the south and 4' to the east. The finished deck will be approximately 16' x 27' and will vary in height from the ground due to the slope of the property. New stairs will provide access to the deck from the south. Located at: 824 Edwards Street; APN: 042-041-043.

No applicant or representative is in attendance. Commissioner Graves is hesitant to approve a project with conditions of approval without hearing from the applicant. Commissioners Kelly and Lake would like to postpone until the applicant is present.

***Motion (Kelly/Lake) to continue at the June 2019 meeting. Motion passed unanimously (3-0).***

## **VI. COUNCIL REPORT**

Commissioner Graves discussed picking a Planning Commission liaison with Mayor Ladwig, but Ladwig requested to hold off until he discusses it with the City Manager. Lake suggested the liaison should rotate through the Planning Commission.

## **VII. STAFF REPORT**

Parker stated that the City received an application from AT&T to replace the Trinidad Head cell tower site, but it will not come before the Planning Commission until July. She also stated that a large deck project, the stormwater CEQA documents, and the Gilmour project are scheduled to be on the agenda. She stated she has starting to work on the General Plan again, along with the service area water demand assessment. She also

confirmed the Clean Beaches project is done and the Ocean Protection Council grant will be done in June.

*Commissioner Comments*

Commissioner Lake requested a General Plan schedule, and wants residents to be aware of the meetings. Graves stated there hasn't been time and the City's outdated codes have caused further delays. Commissioner Kelly requested clarification if the STR Ordinance is going to be reviewed. Parker stated that the Planning Commission can either review that or the General Plan, but likely not both; ultimately it should be up to the City Council to set those priorities.

**VIII. FUTURE AGENDA ITEMS**

Next agenda items are Gilmour, Stormwater CEQA documents, and a new deck project.

**IX. ADJOURNMENT**

Next meeting is June 19, 2019. Meeting has been adjourned at 7:47pm.

**Submitted by:**

**Angela Zetter  
Administrative Assistant**

**Approved by:**

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**John Graves  
Planning Commission Chair**



## MEMORANDUM

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**TO:** Trinidad Planning Commission

**FROM:** Trever Parker, City Planner

**DATE:** May 28, 2019

**RE:** Cumulative impacts

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As with the Van Wycke Project, at this point, the Planning Commission should focus its attention on the CEQA document, and whether there will be any significant, unmitigated environmental impacts that would result from the project. The City has also been planning this project for quite a few years. It was first identified as a priority through the Trinidad-Westhaven Integrated Management Plan process. It was also identified as part of the City's ASBS Compliance Plan, which was developed as part of the approval of an exception request to the California Ocean Plan's prohibition of discharges into ASBS for the City's stormwater outfall. Several technical reports and studies have been completed in order to inform the design, and Phase 1 of the ASBS Stormwater Improvement Project has already been constructed.

The Public Review Draft IS-MND was circulated for public comment for 30 days. A response to all the comments received on the Draft Initial Study - Mitigated Negative Declaration (IS-MND) has been prepared and will be included as an attachment to the final document. The only change made to the document itself was in the "Mandatory Findings of Significance" to add more discussion of potential cumulative impacts. This addition was documented using "track changes" and has been included in the final document. Because that is the only part of the document that was revised, I have only provided you with the revised section, rather than reprinting the entire document, which you had in last month's packet. However, the entire revised document has been uploaded to the City's website at the following link: <http://trinidad.ca.gov/document-library/asbs-stormwater-improvement-project-phase-2-ceqa-documents>.

No written or agency comments were received. The only comments were those at the May 15 hearing. Planning Commissioner comments are addressed in the response to comments or below in this memo. Technically, the comment period is over, and adoption of an MND does not require a public hearing. However, staff still recommends opening this agenda item to public comment.

## Cumulative Impacts and CEQA

In terms of cumulative impacts, both the Edwards Street slide and the Van Wycke trail project were mentioned. The “western bluff” was also mentioned. So, I take these comments to be primarily concerned about bluff stability, particularly because the Edwards Street slide is not a “project.” Other impacts that could be cumulative between the Phase 2 ASBS Stormwater Improvement Project and the Van Wycke Bicycle and Pedestrian Connectivity Project mostly include short-term construction impacts such as air quality, water quality, noise and traffic. I have provided some language below from the CEQA Guidelines (§15064) regarding considerations for determining cumulative impacts. Additional information is provided in the response to comments and the revised IS/MND.

### §15064. DETERMINING THE SIGNIFICANCE OF THE ENVIRONMENTAL EFFECTS CAUSED BY A PROJECT

- (h) (1) *When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project’s incremental effect, though individually limited, is cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*
- (2) *A lead agency may determine in an initial study that a project’s contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a mitigated negative declaration, the initial study shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable.*
- (3) *A lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project’s incremental contribution to the cumulative effect is not cumulatively considerable. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable*

*notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.*

- (4) The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.*

Additional information and assessment of cumulative impacts is provided in the response to comments. If you still have questions or concerns, I encourage you to review the three technical reports that were prepared for this project to address geologic and groundwater impacts. Those documents can be found on the City's website at the following link: <http://trinidad.ca.gov/document-library/project-documents> (see 2012 Geotech Report, 2013 Groundwater Model Tech Report, and 2019 Groundwater Model Addendum). The geotechnical report and groundwater model that were prepared for this project are EIR level documents. No additional studies or data would be needed to do a more robust cumulative impact assessment that is generally required in an EIR. The only difference would be the level of detail provided in the analysis, which would come from those reports that have already been incorporated into the project design.

### **CEQA Guidance on MNDs**

The following excerpts from the CEQA Guidelines are provided to aid your decision-making on this document.

CEQA Guidelines §15070 states: *"A public agency shall prepare and have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:*

*(b) The initial study identifies potentially significant effects, but:*

- (1) Revisions in the project plans or proposals made by, or agreed to by the application before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and*
- (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.*

It is staff's opinion that the appropriate document for this project is an MND. In addition, the comments and responses do not require recirculation of the Draft IS-MND, because no new significant impacts were identified, and no new mitigation was required. An excerpt from the CEQA Guidelines regarding the requirements for recirculation is included below:

#### **15073.5. RECIRCULATION OF A NEGATIVE DECLARATION PRIOR TO ADOPTION.**

- (a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant*

to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

- (b) A “substantial revision” of the negative declaration shall mean:
- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
  - (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.
- (c) Recirculation is not required under the following circumstances:
- (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
  - (2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.
  - (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
  - (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.
- (d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.

None of the comments provided any evidence that the project will have significant impacts on the environment. Therefore, staff is recommending adoption of the proposed MND. CEQA Guidelines §15074(b) provides the following guidance for adopting an MND:

*Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.*

Below, I have also provided the definition of “substantial evidence” from the CEQA Guidelines (§15384), which is the standard of review under CEQA. The findings and conclusions in the CEQA document must be supported by substantial evidence. But comments are also held to that standard. In order for a comment to result in an EIR being required, a “fair argument” must be presented, based on substantial evidence,

that the project may have significant impacts. Although the “fair argument test,” as used by the courts, sets a relatively low bar, vague assertions that the project is too big, or unsupported opinions that it may have impacts, for example, do not constitute a fair argument. In addition, CEQA Guidelines §15061(f)(4) states: *“The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.”*

#### 15384. SUBSTANTIAL EVIDENCE

- (a) *“Substantial evidence” as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.*
- (b) *Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.*

Many people have the impression that an EIR is some kind of magic bullet for environmental impact analysis. There is no such thing as a “full” EIR; an EIR is an EIR (though there can be focused EIRs). An EIR requires a higher, more detailed level of analysis of project impacts, and therefore, generally takes a lot more time and money than an MND. But it does not require a higher degree of environmental protection. In fact, it is the opposite. With a Negative Declaration or MND, the impacts must be found to be or mitigated to a less than significant level. With an EIR, impacts must be mitigated to the extent feasible, but a project for which an EIR has identified significant and unavoidable impacts can still be approved if the Lead Agency finds that the project’s benefits outweigh its impacts.

#### **Staff Recommendation**

Staff finds that there is no substantial evidence, in light of the whole record, that the project may have significant impacts. Therefore, staff recommends that the Planning Commission approve the proposed Mitigated Negative Declaration through approval of the attached Resolution #2-2019.

#### **Attachments:**

- Resolution adopting the Mitigated Negative Declaration
- Responses to Comments
- Revised section 21.b 0 Mandatory Findings of Significance

**RESOLUTION NO. 2-2019**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRINIDAD  
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE VAN WYCKE  
BICYCLE AND PEDESTRIAN CONNECTIVITY PROJECT**

**WHEREAS**, the City of Trinidad proposes to use State and Federal funds from the California Prop 84 Storm Water Grant Program and from USDA Rural Utilities Service, Water and Environment financing. The project is proposed to occur primarily within the public rights-of-way owned by the City of Trinidad, Underwood Drive, Edwards, Ewing, Van Wycke and Galindo Streets. The project also occurs within the Trinidad Harbor parking area, which is owned by the Trinidad Rancheria; and

**WHEREAS**, City planning staff has reviewed the proposed project and evidence and has referred the application and evidence to involved reviewing City departments and agencies for site inspections, comments, and recommendations; and

**WHEREAS**, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA). A proposed Mitigated Negative Declaration has been prepared with respect to said project and notice has been sent to the State Clearinghouse, responsible and trustee agencies, and posted for public review for a period of 30 days as required by the CEQA Guidelines; and

**WHEREAS**, after due notice of public hearing, the matter came before the Trinidad Planning Commission to take public comment on May 15, 2019 and for consideration and adoption on June 19, 2019; and

**WHEREAS**, at said public hearing, due consideration was given to the proposed Mitigated Negative Declaration, the environmental effects of the project, and any changes connected therewith; and

**WHEREAS**, at said public hearing, due consideration was given to all objections to and comments on said project, and the Planning Commission believes that the Mitigated Negative Declaration should be adopted.

**NOW, THEREFORE**, be it resolved by the Planning Commission of the City of Trinidad as follows:

1. The Planning Commission finds, on the basis of the Initial Study and all comments received, that: The proposed stormwater improvement project has potential significant effects on the environment, which, with the inclusion of specific mitigation measures, will be rendered less than significant. Accordingly, a Mitigated Negative Declaration has been prepared pursuant to the CEQA Guidelines.

2. The Planning Commission further finds that: The project is consistent with the Trinidad-Westhaven Integrated Watershed Management Plan and the City of Trinidad ASBS Compliance Plan.

**RESOLUTION NO. 2-2019**

3. The Planning Commission further finds that: The project is generally consistent with the City of Trinidad General Plan and Zoning Ordinance, but future permits pursuant to those documents will be required.

4. The Planning Commission of the City of Trinidad hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the ASBS Stormwater Improvement Project – Phase 2.

**INTRODUCED, PASSED, AND ADOPTED** this 19<sup>th</sup> day of June 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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Chairman, Planning Commission,  
City of Trinidad

ATTEST:

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Secretary, Planning Commission

**RESPONSE TO COMMENTS**  
**Draft IS-MND**  
**ASBS Stormwater Improvement Project**

This Response to Comments document contains public and agency comments received during the public review period of the ASBS Stormwater Improvement Project (proposed project) Initial Study / Draft Mitigated Negative Declaration (IS-MND).

The Draft IS-MND was circulated for a 30-day public review period that began on May 1, 2019 and ended on May 31, 2019. The document was also sent to the State Clearinghouse for review by state agencies. A public hearing was held on May 15, 2019 to take public comments on the Draft IS-MND. The following letters and comments were received:

<b>Comment</b>	<b>Name</b>	<b>Date Received</b>
<b>Written Comments from Individuals and Organizations</b>		
NA	None Received	
<b>Agency Comments</b>		
NA	None Received	
<b>Oral Comments at the May 15, 2019 Public Hearing</b>		
A	Kathleen Lake	May 15, 2019
B	Cheryl Kelly	May 15, 2019
C	John Graves	May 15, 2019
D	Alan Grau	May 15, 2019
E	Leslie Farrar	May 15, 2019

A summary of the comment and the City’s responses follow. The comments have been lettered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the letter assigned to the commenter, and then the number assigned to each issue. (Response A.1, for example, indicates that the response is for the first issue raised by commenter A.)

Any changes made to the text of the Draft IS-MND correcting information, data or intent, are noted in the Final IS-MND as “track changes” from the Draft IS-MND.

**Comment A**

From: Kathleen Lake

Date: May 15, 2019

Comment A.1: Is concerned about cumulative impacts, particularly groundwater, and thinks that an EIR should be required. She mentions both the Van Wycke Bicycle and Pedestrian Connectivity Project and the slide on Edwards Street.

Response A.1: The statement is very broad, and no evidence was provided that there would be cumulative impacts, or even what types of cumulative impacts are being referred to. The comment does not provide “*facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts*” that are required in order to constitute substantial evidence of an impact pursuant to CEQA (CEQA Guidelines §15384). However, there were several general comments made regarding cumulative impacts, and the draft IS/MND did not have a lot of discussion of potential cumulative impacts. Therefore, the following additional information is provided.

In an MND, the place cumulative impacts are addressed is in the “Mandatory Findings of Significance” section near the end of the document. CEQA Guidelines § 15065 states: “*A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:... (3) The project has possible environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*”

Further discussion regarding the geotechnical and groundwater studies that were completed for this project have been added to the mandatory findings discussion (Item 21.b) in the IS/MND. That discussion focuses on short-term construction impacts and impacts to groundwater and slope stability, since those would be the primary issues of concern for this project.

The City does not currently have any proposed plans for how to address the slide near the previous site of the Memorial Lighthouse; it is not yet a project. And the slide does not create instability outside of its immediate vicinity. In addition, GHD’s 2019 Groundwater Model Addendum specifically looked for a potential link between the slide and Phase 1 of the Stormwater Improvement Project. Therefore, there are no cumulative impacts between this Stormwater Improvement Project and the slide.

In terms of the Van Wycke project, there will be no potential long-term cumulative impacts. That project is designed to stabilize an existing slide and will not contribute to instability. In addition, based on the geotechnical and groundwater studies that were done for the Stormwater Improvement Project, this project will not contribute to slope instability either. Both projects could have cumulative impacts to cultural resources, but the impacts have been reduced to less than significant with mitigation for both projects. In general, the tribal entities are in support of the stormwater project in order to reduce

pollution in Trinidad Bay. One of the major concerns for the Van Wycke project is aesthetics, but the stormwater project will not have a considerable contribution to any cumulative aesthetic impacts, because most of the improvements are underground.

On the other hand, if construction of the Van Wycke project occurs at the same time as the stormwater project, there could be some cumulative short-term impacts. These primarily include traffic, noise, water quality and air quality. In addition, the Trinidad Rancheria is planning on constructing parking lot improvements (also related to stormwater improvements to protect the ASBS) in the summer of 2020, when the City's Stormwater Improvement Project is also scheduled to occur. Further discussion of this issue has been added to Item 21(b) of the IS/MND.

Comment A.2: The project is too large/out of scale.

Response A.2: The project is only as large as it has to be in order to infiltrate the stormwater and eliminate the discharge/outfall in accordance with the City's ASBS Compliance Plan. Other than some curbs and inlets, all the improvements will be underground. Therefore, the project won't affect the scale or character of the community. The comment does not address a potential environmental impact.

Comment A.3: Other alternatives should be considered.

Response A.3: Alternatives were considered for the project. Specific suggestions of alternatives were not provided as part of the comment. The City Council and other stakeholders have already decided that the most appropriate course of action is to eliminate the City's stormwater outfall. This is the primary objective of the project; there are also a number of secondary objectives as outlined in the CEQA document. Therefore, the only feasible alternatives that meet the project objectives are variations on the exact number, size and placement of the infiltration basins.

However, the Preliminary Engineering Report that was prepared by GHD for this project does evaluate an alternative that includes keeping the existing outfall. That preliminary analysis found that that alternative would not have cultural resource impacts, but upon further review, that would only be true if the improvements are located above-ground. The PER also evaluates the costs of the two primary alternatives. The preferred alternative (proposed project) has higher construction costs, but those costs are grant-funded. And the "keep existing outfall alternative" has significantly higher annual operating and maintenance costs (\$80,400 v. \$11,850), which would not be grant funded, therefore, it is significantly more expensive over the lifetime of the project. That report also notes the following: *"Other alternatives were considered and were mainly variations of the two general alternative categories presented in this report. Variations were considered were infeasible due to either technical or cultural constraints. These alternatives included an expanded LID system that incorporated more infiltrators in more locations.*

*Construction of infiltrators in certain areas increased the potential for bluff erosion, interaction with existing leach fields, or impact to groundwater elevation, and were therefore deemed technically infeasible.”*

The idea of detaining and infiltrating stormwater was first identified as a high priority project in the Trinidad-Westhaven Integrated Coastal Watershed Management Plan (ICWMP), which was a comprehensive, multi-stakeholder planning effort; it was adopted by the City Council via Resolution 2008-15 in June 2008. Since then, the City has directed staff to pursue this project, approving various budget line items and grant applications in order to do so. The City has committed to this project, which has substantial environmental benefits, through its ASBS Compliance Plan. An IS/MND is not required to comprehensively evaluate alternatives, but a thorough consideration of alternatives has already occurred. No further alternatives analysis is necessary.

### **Comment B**

From: Cheryl Kelly

Date: May 15, 2019

Comment B.1: Requests information on the timeline for this project compared to the Van Wycke Bicycle and Pedestrian Connectivity Project.

Response B.1: Currently, that project is planned for construction in the summer of 2020, or possibly 2021, but the exact schedule is not known at this time. Please also see Response A.1 and revised checklist item 21(b) (Mandatory Findings of Significance) in the IS/MND.

Comment B.2: Asked about stormwater drainage on Wagner Street.

Response B.2: Wagner Street is not currently connected to or contributing runoff to the City’s storm drainage system. The ASBS Stormwater Improvement Project only includes improvements in areas that contribute runoff to the existing storm drainage system discharging to the outfall on Launcher Beach. Areas that are not currently connected to or contributing runoff to the system will not be altered by the project.

Comment B.3: Wonders how the project impacts stability.

Response B.3: Please see Response A.1.

### **Comment C**

From: John Graves

Date: May 15, 2019

Comment C.1: Also concerned about cumulative impacts.

Response C.1: Please see Response A.1.

**Comment D**

From: Alan Grau

Date: May 15, 2019

Comment D.1: The scale of the project requires an EIR.

Response D.1: Although context can be a consideration in determining whether impacts are significant, the scale of the project, by itself, does not have anything to do with whether an EIR is required. An EIR is required if there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant impact on the environment (CEQA Guidelines §15064(a)(1)). Based on the IS/MND, the project will not have any significant impacts as mitigated. Also see Response A.2.

Comment D.2: Questions how the project was noticed.

Response D.2: Notice for the CEQA IS/MND was provided in accordance with CEQA Guidelines §15072 (Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration). Notices were posted at the Town Hall notice board, Murphy's Market and the Post Office as well as the County Clerk's office. Notice was also sent to property owners within 100 feet of project components and known interested parties (e.g. Tribes, local Coastal Commission office). In addition, notice was sent to the State Clearinghouse/Governor's Office of Planning and Research for distribution to State agencies.

In addition, the project went through the NEPA Environmental Assessment (EA) process with publications of the availability of the NEPA EA on November 7 and 14, 2018 and publication of the Finding of No Significant Impact on March 27, 2019 in the Mad River Union. The City Council has also discussed the project numerous times between 2016 and the present.

**Comment E**

From: Leslie Farrar

Date: February 20, 2019

Comment E.1: Although borings were done, the description is vague, and she is concerned about the western bluff. She wants more information regarding groundwater and geology.

Response E.1: Please see Response A.1 and revised Item 21(b) in the IS/MND.



Gavin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

June 4, 2019

Becky Price-Hall  
Trinidad, City of  
PO Box 390  
2019059011  
Trinidad, CA 95570

Subject: ASBS Stormwater Improvement Project - Phase 2  
SCH#: 2019059011

Dear Becky Price-Hall

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 6/3/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, <https://ceqanet.opr.ca.gov/2019059011/2>.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

- 
- b) Finding: The project will not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). *Less than significant impact.*

Discussion: Most of the impacts resulting from this project are related to short-term construction impacts. Therefore, other construction projects occurring at the same time as this Stormwater Improvement Project could have cumulative impacts related to traffic, noise, runoff and erosion, and air quality. Short-term construction impacts rarely rise to the level of significant under CEQA, and construction impacts are usually mitigatable, as is the case with this project. However, there could be several large construction projects occurring during the summer of 2020, including the Stormwater Improvement Project, the Van Wycke Bicycle and Pedestrian Connectivity Project and a parking lot improvement project (also related to infiltrating stormwater) that Trinidad Rancheria has planned for the Harbor area.

The exact construction schedule is unknown at this time, but it is unlikely that these projects would all be constructed at the same time. The City Engineer will be coordinating the City projects and is also coordinating with the Trinidad Rancheria. It is tentatively planned that the Rancheria will complete their project prior to the City starting its stormwater project in order to minimize potential conflicts. The primary construction portion of the Van Wycke project is the retaining wall, which is not going to impact the same areas as the stormwater projects. In addition, this project may not be implemented until 2021. The mitigation measures for a traffic control plan, noise control measures and erosion control BMPs will ensure that temporary traffic impacts are less than significant. There is no indication that there will be significant cumulative, short-term construction impacts.

The primary cumulative impacts of concern for this project, which will increase the amount of stormwater infiltrating into the ground, are fluctuating groundwater levels, which could have negative impacts on slope stability and septic systems. The City was very conscious of this potential impact and has addressed and incorporated it into the planning and design of the project from very early stages. The 2012 Geotechnical Analysis and the 2013 Groundwater Model Technical Report were prepared in order to inform and evaluate the design of the ASBS Stormwater Improvement Project as part of Phase 1 of the project. In addition, a 2019 Groundwater Model Addendum for LID Zoning was prepared. While this study had a slightly different focus for a different project, it did evaluate the effectiveness and impacts on groundwater from Phase 1 of the stormwater project. It also evaluated potential build-out scenarios and evaluated how inputs to groundwater from septic systems, landscaping and stormwater infiltration could affect groundwater levels and slope stability.

These are highly technical and comprehensive reports, covering the entire Trinidad Plateau watershed, that provide a solid basis for determining the potential for cumulative impacts resulting from both phases of the ASBS Stormwater Improvement Project, as well as groundwater inputs from septic systems, landscaping, rainwater and small-scale stormwater infiltration projects, or Low Impact Development (LID). These reports, studies and models, which were peer-reviewed by other professionals, found that Phase 2 of the ASBS Stormwater Improvement Project is not going to contribute to increased groundwater levels that could impact septic systems or slope stability, even considering additional inputs from future build-out of the City.

The project's individual impacts would not add appreciably to any existing or foreseeable future significant cumulative impact, such as visual quality, historic resources, traffic impacts, or air quality degradation. Incremental impacts, if any, would be negligible and undetectable. Cumulative impacts to which this project would contribute have been mitigated to a less than significant level.

Based upon the project as proposed and mitigated, comments from reviewing agencies, and the project's conformance with applicable regulations, there is no evidence to indicate that the proposed project will have impacts that are individually limited but cumulatively significant.



## MEMORANDUM

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**TO:** Trinidad Planning Commission

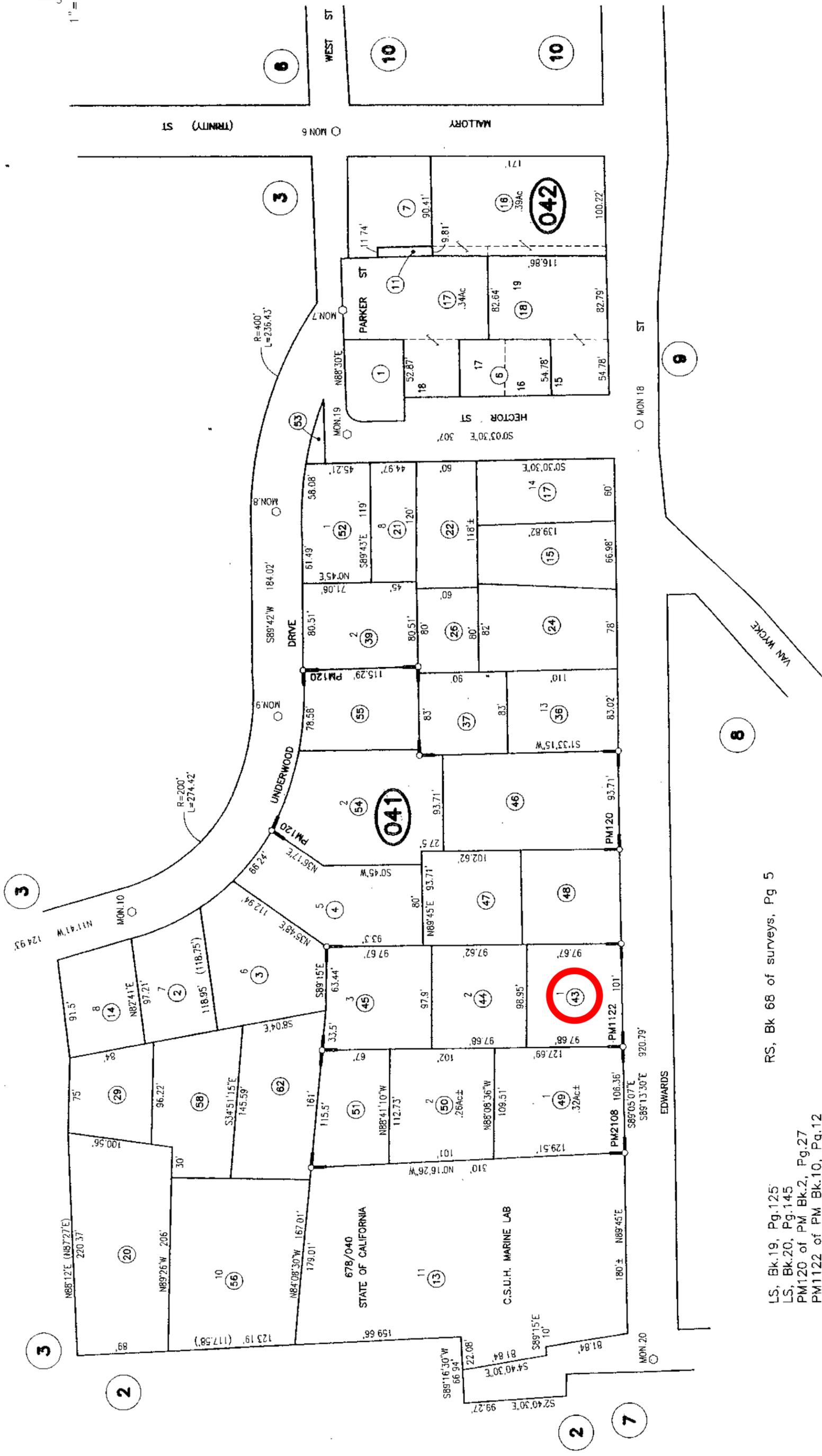
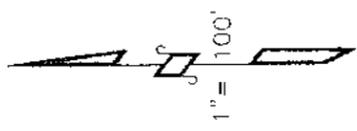
**FROM:** Trever Parker, City Planner

**DATE:** June 11, 2019

**RE:** Gilmour 2019-04

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This project was not discussed at the May hearing due to lack of representation from the property owner or project proponent. Since then, I did get a hold of the applicant, and sent her a copy of the staff report for review. There will be someone representing the project at the meeting. Also, there seemed to be some confusion over the exact location of the property. That may be because the Google Street View image I provided showed a different address. In addition, the front page of the staff report includes an incorrect APN (the one in the footer is correct). So, I have provided you with the parcel map to ensure there is no confusion as to the location of the project. Please bring your materials for this project from the May 15 meeting.



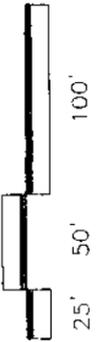
**ASSESSOR'S PARCEL MAP**

1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES

RS, Bk 68 of surveys, Pg 5

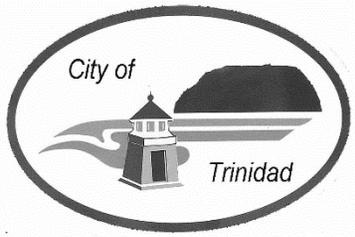
- LS, Bk.19, Pg.125
- LS, Bk.20, Pg.145
- PM120 of PM Bk.2, Pg.27
- PM1122 of PM Bk.10, Pg.12
- PM2108 of PM Bk.18, Pg.105
- RS, Bk.58 of surveys, Pg.63
- RS, Bk.60 of surveys, Pg.1
- RS, Bk.61 of surveys, Pg.15
- RS, Bk.61 of surveys, Pg.93

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles.



Assessor's Map Bk. 42, Pg.04  
County of Humboldt, CA.

Nov 23, 2010



Filed: March 13, 2019  
Staff: Trever Parker  
Staff Report: June 11, 2019  
Commission Hearing Date: June 19, 2019  
Commission Action:

## **STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO.: 2019-05

APPLICANT(S): Trinidad Coastal Land Trust

AGENT: N/A

PROPERTY OWNER: Trinidad Coastal Land Trust

PROJECT LOCATION: 490 Trinity Street

PROJECT DESCRIPTION: Use Permit and Coastal Development Permit to remove a large (>12" DBH) nonnative holly tree from the property that poses a potential hazard to adjacent structures and blocks sunlight.

ASSESSOR'S PARCEL NUMBER: 042-031-27

ZONING: PD - Planned Development

GENERAL PLAN DESIGNATION: PD - Planned Development

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15304 of the CEQA Guidelines exempting minor alterations to land, water and/or vegetation.

### APPEAL STATUS:

Planning Commission action on a Coastal Development Permit, Variance, Conditional Use Permit, and/or Design Review approval application will become final, 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City, unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project is X / ~~is not~~ appealable to the Coastal Commission per the City's certified LCP and may be appealable per Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The project site is located on the northwest corner of Trinity and Parker Streets and is zoned Planned Development (PD). The site contains the Trinidad Art Gallery, which is a registered historic structure. A small garage, that is operated as a curio shop, is located on the rear (west end) of the property with access to Parker Street, and the septic system is located along the northern property line. The non-native holly tree that is proposed to be removed is located on the southeast corner, adjacent to both Trinity and Parker Streets. The property is generally flat.

## **STAFF COMMENTS:**

This project was previously proposed in 2012 and approved by the Planning Commission in October 2012. However, the TCLT did not end up removing the tree at that time, and the approval has expired. They are currently making the same request that was approved in 2012.

The applicant has submitted a brief letter explaining their reasons for proposing to remove the tree along with an arborist's report that supports those conclusions. The idea started when the Humboldt Transit Authority requested that the tree be cut back due to its interference with buses on the street. The tree blocks a significant amount of sunlight from reaching the house due to its southeastern location on the lot. Holly trees are not only non-native, they are considered invasive and a detriment to native species. In addition, though not unhealthy, the tree does pose a hazard to both the historic structure and the City sidewalk and other infrastructure were it to fall.

It has been suggested that the tree could be replaced with a flowering cherry, or other small, flowering, deciduous, ornamental tree, if replacement is desired. The Planning Commission did include that as a condition of approval in 2012. A replacement planting in the same location would require the stump of the holly tree to be removed. The TCLT has requested that stump removal be included in the permit but have not yet determined if that is the preferred course of action as part of the tree removal. A replacement planting could be provided in one of the adjacent landscaped areas instead. However, the area is already landscaped, and the City's regulations do not require a replacement, so staff has not included that as a recommended condition of approval.

Referrals were sent to the City Engineer and Public Works staff. Public Works responded that an encroachment permit would be required for any work that impacts the public sidewalk or street. The City Engineer responded that the tree removal must occur outside of the nesting season, which is generally considered to end between

August 15 and September 1 in our area. These recommendations have been included as conditions of approval.

#### **ZONING ORDINANCE/GENERAL PLAN CONSISTENCY:**

The property where the project is located is zoned PD – Planned Development. The purpose of this zone is to allow a mix of residential and commercial uses and to allow flexibility in site design. The PD zoning regulations fail to mention vegetation removal at all. Since it is not conceivable that tree removal would never be allowed in the PD zone, I looked to the vegetation removal regulations of the other zones. The VS (Visitor Services) Zone (§17.40.080) states that: *“Unless diseased, or posing an imminent danger to people or structures, tress should be retained wherever feasible in visitor accommodations.* The C (Commercial) and PR (Public and Religious) zones also do not mention tree removal.

This is in contrast to the UR (Urban Residential) and SR (Suburban Residential) zones where most tree removal permits have been issued in the recent past. In these residential zones, removal of trees over 12” diameter at breast height (DBH) requires a use permit (§17.28.030 and §17.32.030). Sections 17.28.080 and 17.32.080 allow the removal of diseased trees, or trees posing an imminent danger to structures or people, subject to the approval of the City Engineer. These sections also state that trees may be removed from an approved building site, subject to the approval of the Building Official and that small trees and brush may be removed to improve views.

We also know that the definition of development (§17.08.200) includes “removal or harvesting of major vegetation.” One commonly used definition for what constitutes ‘major vegetation’ is the 12” DBH. Therefore, a Coastal Development Permit (CDP) is required for its removal. However, the City does not have a separate process for a stand-alone CDP that does not require other approvals. Because two residential zones explicitly require a use permit for tree removal, and the fact that all uses in the PD zone require a use permit (17.36.020), staff has determined that a use permit/CDP is the most appropriate process in this case.

No buildings or major site improvements are proposed other than the tree removal. This project involves no structures and will not affect setbacks, heights, parking, or square footages of structures. Specific requirements of the zone are not applicable in this case.

The Trinidad General Plan and Zoning Ordinance protect important public coastal views from roads, trails, and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. Removal of this invasive holly tree does not have the potential to negatively impact coastal views and may actually improve them.

No grading is proposed as part of the project, but some soil disturbance may be necessary to remove the tree stump; however, this would be minimal and would not alter the existing ground elevation.

This property is already connected to all services and utilities. Exterior colors and materials are not applicable. Care must be taken to protect utilities that may be located adjacent to the trees. An encroachment permit will be required for tree removal, since it is adjacent to two public roadways.

#### **SLOPE STABILITY:**

The property, where the proposed project is located, is outside of any areas designated as unstable, or questionable, stability based on Plate 3 of the Trinidad General Plan. Therefore, no geologic study is required.

#### **SEWAGE DISPOSAL:**

There is no sewage disposal associated with this project. The septic system, including the leachfield, is located along the northern property boundary, well away from the holly tree. Therefore, this project does not have the potential to impact the Onsite Wastewater Treatment Systems (OWTS). However, the TCLT has not submitted an inspection report or application for an OWTS Operating Permit for their septic system. The City has been requiring planning permit applicants to be in compliance with the City's OWTS Management Program. Therefore, that has been included as a condition of approval.

#### **LANDSCAPING AND FENCING:**

The Land Trust has stated that they could replace the holly tree with a 'flowering cherry or other tree deemed acceptable to the City.' A replacement tree should be relatively small at maturity so that it does not eventually cause the same problems as the existing holly tree. The arborist also recommended that any replacement tree should be deciduous so that it did not block the sun and light in the winter. If the Planning Commission considers including a condition of approval that the TCLT replace the holly with another tree, then staff suggests that it be worded such that the location is flexible enough to avoid having to remove the stump.

## DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project is located within the Coastal Zone, a Coastal Development Permit for “major vegetation removal” is required. However, because the project will not alter any structures, and will not change the topography of the site by more than 2 feet, no design review is required.

## USE PERMIT FINDINGS:

Section 17.72.040 requires written findings to be adopted in approval of a use permit. The following findings, as may be revised, are required in order to approve this project.

- A. *The proposed use at the site and intensity contemplated and the proposed location will provide a development that is necessary or desirable for and compatible with the neighborhood or the community.* Response: The proposed project includes the removal of one large holly tree from a mixed-use zoned property. The tree is non-native, has interfered with traffic, poses a potential hazard to adjacent structures and blocks sunlight from the historic Trinidad Art Gallery. Therefore, its removal is considered necessary and desirable for the neighborhood.
- B. *Such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity or injurious to property improvements or potential development in the vicinity with respect to aspects including but not limited to the following:*
1. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;* Response: The size and nature of the tree is such that it currently poses a hazard and nuisance to the property and existing structures, traffic and pedestrians; removal of the tree will eliminate these hazards. In addition, because it is an invasive species, it presents a hazard to the local environment.
  2. *The accessibility of the traffic patterns for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;* Response: The proposed tree removal will not affect traffic or parking, except that the tree has been a nuisance for large vehicles. An encroachment permit will be required for any tree removal activities that impact use of a public right-of-way, which will ensure traffic is appropriately addressed.
  3. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;* Response: The proposed tree removal will not involve

any long-term emissions. There could be some dust generated during removal, but that would be minor and temporary.

4. *Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs; Response: The proposed tree removal will not affect or require any of the listed items.*
  
- C. *That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan and will assist in carrying out and be in conformity with the Trinidad coastal program. Response: As discussed above, under the “Zoning Ordinance / General Plan Consistency” section, the proposed tree removal can be found to be consistent with the City’s Zoning Ordinance, General Plan, and Local Coastal Program.*
  
- D. *That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment. Response: Removal of individual trees is exempt from CEQA per § 15304 of the CEQA Guidelines exempting minor alterations to land, water and/or vegetation except in the case of officially designated scenic trees or trees within view of an officially designated state scenic highway, which the tree is not. In addition, it is considered an invasive species, detrimental to the environment, in our area.*
  
- E. *When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater, that: Response: The project is not located between the sea and the first public road, therefore the following findings are **not** applicable.*
  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.*

#### **STAFF RECOMMENDATION:**

Based on the above analysis, and as conditioned, the proposed tree removal can be found to be consistent with the City's Zoning Ordinance, and General Plan and other policies and regulations, and the necessary findings for granting approval of the project can be made. If the Planning Commission agrees with staff's analysis, the project may be approved with the following motion:

Based on the information submitted in the application, and included in the staff report and public testimony, I move to adopt the information and findings in this staff report and approve the project as conditioned below:

#### **PLANNING COMMISSION ALTERNATIVES**

If the Planning Commission does not agree with staff's analysis, or if information is presented during the hearing that conflicts with the information contained in the staff report, the Planning Commission has several alternatives.

- A. Alter the proposed conditions of approval to address any specific concerns on the part of the Commission or the public.
- B. Delay action / continue the hearing to obtain further information.
  - In this case, the Planning Commission should specify any additional information required from staff or the applicant and / or suggestions on how to modify the project and / or conditions of approval.
- C. Denial of the project.
  - The Planning Commission should provide a motion that identifies the Finding(s) that can not be made and giving the reasons for the inability to make said Finding(s).

#### **CONDITIONS OF APPROVAL:**

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application unless a fee waiver is approved by the City Council.  
*Responsibility: City Clerk to place receipt in conditions compliance folder prior to authorization of tree removal or encroachment permit being issued.*

2. Based on the findings that community values may change in a year's time, approval of this Use Permit is for a one-year period starting at the effective date and expiring thereafter unless the project has been initiated through application for an encroachment permit or an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk to verify prior to tree removal approval or encroachment permit being issued.*
3. Tree removal activities are to occur in a manner that incorporates storm water runoff and erosion control measures in order to account for water quality considerations near the bluffs. Specific water quality goals include, but are not limited to:
  - a. Limiting sediment loss resulting from construction
  - b. Limiting the extent and duration of land disturbing activities
  - c. Replacing vegetation as soon as possible
  - d. Maintaining natural drainage conditions*Responsibility: Applicant to ensure at time of project completion.*
4. The applicant will need to obtain an encroachment permit for any work that takes place within, or hinders access to, a public right-of-way. *Responsibility: City Clerk to verify prior to tree removal.*
5. Tree removal shall occur in a manner that does not disturb the soil. Alternatively, if the stump is to be removed, then the applicant shall arrange for a qualified cultural monitor to be onsite during any soil disturbing activities. *Responsibility: City Clerk to verify after tree removal.*
6. An environmental scientist, or other qualified individual, will check the tree for active nests 24 to 48 hours prior to tree removal, unless removal takes place after August 15. Active nests shall not be disturbed pursuant to CA Fish and Game Code §3503. *Responsibility: City Clerk to verify prior to tree removal approval or encroachment permit being issued.*
7. The applicant shall submit a complete application for an OWTS Operating Permit, including a recent inspection report for the septic system, application questionnaire and fee. *Responsibility: City Clerk to verify prior to tree removal approval or encroachment permit being issued.*

## ATTACHMENTS

- Tree removal request (4 pages, including 3 letters and a site plan)
- Google Street View images (2 pages)

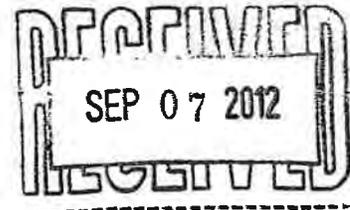


*Trinidad Coastal Land Trust is a non-profit organization dedicated to protecting for the public benefit the natural beauty and character of Humboldt County from Little River to Big Lagoon*

August 30, 2012

City of Trinidad  
409 Trinity Street  
Trinidad, CA 95570

Resubmitted  
Jan. 30 2012



City Council Members:

The Trinidad Coastal Land Trust, new owner of Ned's Trinidad Art property, is considering the removal of the large holly tree on the property near the street corner. We were recently asked by the Humboldt Transit Authority (via the City of Trinidad) to cut back the tree foliage as it is sticking out into the street and buses are brushing by the tree. This holly tree is a seed-bearing invasive non-native tree and could be replaced with a flowering cherry or another tree deemed acceptable to the City. The house / art gallery is a registered historic building (I believe the second oldest building still standing in Trinidad) and there is potential for significant damage to the house if this tree were to fall or become uprooted. We are also worried about mold and mildew issues in the house due to this tree significantly shading the house. There is also potential for the city sidewalk, fire hydrant and underground infrastructure to be damaged by the tree.

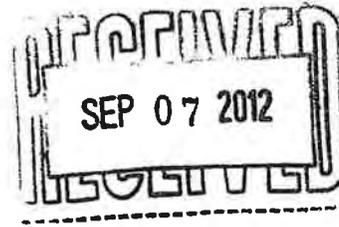
We are consulting with a certified arborist who is recommending that we wait until summer before tree trimming and or removal. The tree is currently full of nesting birds on spring migration. This memo will be complemented by a recommendation letter from our consulting tree arborist with a request for permission to remove the tree. We will work with the City of Trinidad to comply with all permits and additional requirements. Please let us know if there is anything more we can provide.

Thank you,

Ben Morehead  
President, Board of Trustees  
Trinidad Coastal Land Trust

June 24, 2012

City of Trinidad  
409 Trinity Street  
Trinidad, CA 95570



To whom it may concern:

My name is Merlin Sabo, I am a local ISA certified arborist. I am the owner and operator of Trinidad Tree Service, a local tree trimming and tree removal business since 2005. I was contacted by Ben Morehead with the Trinidad Coastal Land Trust to provide a professional opinion about the possibilities of removing a Holly tree located in front of the Ned's Trinidad Art Gallery. For the long-term safety of the house, as well as the sidewalk and underlying infrastructure (such as the adjacent fire hydrant and underground piping) I believe it would be a safe choice to remove this tree. Additional reasons for the removal are the following: 1. The tree effectively blocks most southern sun exposure, which can influence the growth of mold inside and outside of the house 2. If it were to fall down in a windstorm, its close proximity to the historical house could cause significant damage to the building.

When assessing the tree, this spring I found the tree to be a large habitat for local nesting birds, I'm recommending if a removal occurs that it take place during the late summer or early fall in order to mitigate nesting birds. Once the tree has been removed, I would recommend planting another small flowering deciduous ornamental tree. This would give nice color in the spring and the building could enjoy ample lighting in the winter when the leaves fall.

I hope this helps with the decision; I am available for any questions.

Merlin Sabo  
707 832 3086  
ISA # WE-9297A  
PO Box 115  
Trinidad, CA  
95570

Handwritten signature of Merlin Sabo.

3/1/2013

Trinidad Art Gallery - Holly Tree

Ben Morehead,

Trinidad has three nuisance species at the northwest corner of Trinity and Parker streets. In a **holly tree** at this corner are nesting **house sparrows** and **Eurasian starlings**.

During the 19<sup>th</sup> Century invasive nuisance species such as holly trees (*Ilex aquifolium*), English ivy (*Hedera helix*), and pampasgrass (*Cortaderia selloana*) and jubatagrass (*Cortaderia jubata*) were introduced to our area by people who were not aware of their aggressive behavior. All four of these plants are prolific nuisance plants in our climate, which is similar to their native climates. **Our local chapter of California Native Plant Society recognizes all three of these plant and seven others as flora non grata, undesirable species in our area.**

English ivy was introduced as a ground cover by people who were not aware of native ground cover species such as salal (*Gautheria shallon*) or bearberry (*Arctostaphylos uva-ursa*). English Ivy, with its thick foliage, which closely covers the ground, provides perfect ground cover for another introduced species, the black rat (*Rattus rattus*). Ivy spreads by runners which root readily and easily, and by seeds, which are eaten and spread by birds. Ivy spreads readily in our climate, which is similar to its native England. Growing tired of it clinging to their houses, walls and fences, it is cleared out by landowners who unfortunately dumped into ravines and off of roads such as our beloved Scenic Drive, where it roots and spreads, covering everything in sight.

Jubatagrass, commonly confused with closely related pampasgrass was introduced from Argentina for its showy plumes, which can shed 10,000 seeds per plant each year which are picked up by the wind or waved like a flag by children and blown to a piece of bare ground where it sprouts and grows. Like pampasgrass, jubatagrass was used in displays in gas-lit or candle-lit Victorian dance halls and was responsible for many dance hall fires. Both species have spread readily in coastal California, especially in redwood-dominated areas, where they seed easily in wet sandy soils.

At Christmas time the holly with its bright red berries with its green foliage appear, where it made a nice decoration to brighten rooms in houses made gloomy by dreary winter weather. Enjoying its bright foliage, people planted it in many areas. Its berries are eaten by birds such as robins, pigeons, waxwings, starlings, and house sparrows, which then fly to shrubs and trees to roost at night, where they defecate the seeds, spreading the holly plants to new areas. California holly (*Heteromeles* spp.), also known as Christmas berry, is a native replacement with the same green foliage and red berries present during the winter months.

In our area we have rock pigeons, house sparrows, and Eurasian starlings, again three nuisance invasive rapidly breeding colonial species introduced from the Old World. Thinking it is nice to help out birds by feeding them, we unwarily aid their spread putting out birdseed or breadcrumbs for them to eat. This has encouraged these species to spread. **Audubon Society recognizes these as nuisance species. California Department of Fish and Wildlife allows these species to be hunted any month of the year with a valid California hunting license.**

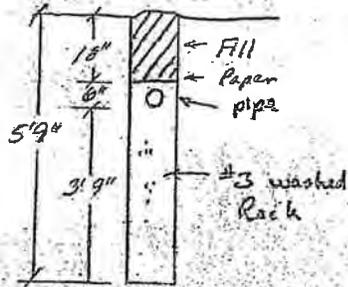
House sparrows are murderous usurpers of other bird's nests, destroying eggs and killing nestlings. I know of a case where house sparrows killed a pair of violet green swallows to take the bird nest box in which they had built a nest then killing the nestlings. They are generalists, building their nests of twigs and grasses in any usable substrate but they prefer cavities or thick foliage. They are not picky eaters. A French fry, insects, seeds, and berries are all suitable foods for adults and their chicks. House sparrows were introduced to Brooklyn, New York, in the early 1850s and by 1900 had occupied suitable habitats throughout North America.

Eurasian starlings were brought to Central Park in New York City in 1890 by lovers of Shakespeare's plays, who sought to populate the park with all bird species mentioned in his plays. Little did they know that these birds, as well as house sparrows, introduced the same way, would breed and spread throughout North America within 60 years, displacing many native species. Huge flocks of up to 750,000 starlings can be seen in winter swirling in their twisting, undulating masses appearing like clouds in the Arcata and Eureka area at dawn and dusk, where they roost at night in huge communal roosts in the McKay Tract. Generally they are cavity nesters, preferring a quiet dark place such as the dense foliage of a holly tree.

Do you want starlings and house sparrows to perpetuate and to continue to spread nuisance holly trees to other areas in Trinidad by dropping their seeds?

Chet Ogan  
Wildlife biologist

Trench Profile for 40' Trench

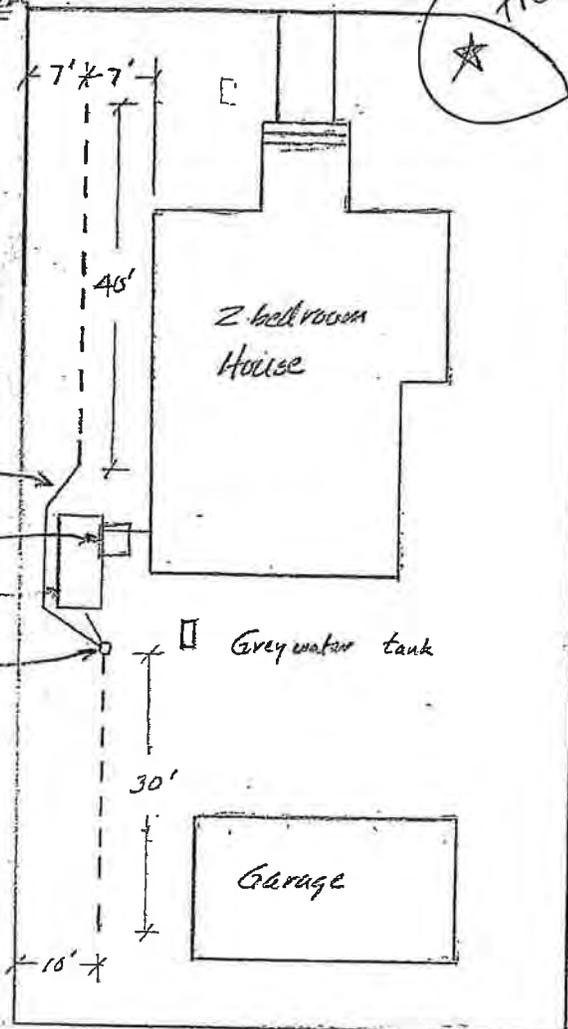


Trinity St



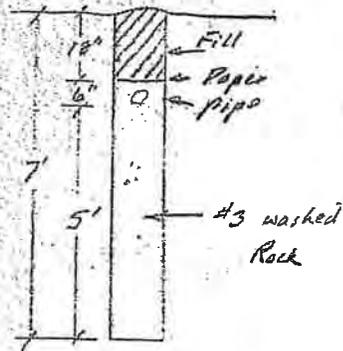
Trinidad Coastal  
Land Trust -  
Tree removal  
Parcel #  
042-031-27

Existing septic tank - Tide pumped + removed  
now 120 gallon septic tank



Parker St

Accepted Plot Plan  
10-11-85  
Donnelly. W.



Trench Profile for 30' Trench

Note: Leachlines are to be installed at different depths to compensate for short length

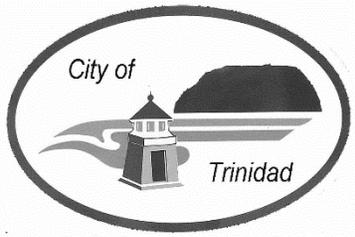
Note: Trench bottom + perforated pipe to be installed level

SDS Repair for  
Patsy Roper  
5272 Hall Rd  
Scale 1/2" = 20'  
AP# 42-031-27





Google



Filed: May 15, 2019  
Staff: Trever Parker  
Staff Report: June 11, 2019  
Commission Hearing Date: June 19, 2019  
Commission Action:

**STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO: 2019-06

APPLICANT / OWNER(S): Gloria Spiegle

AGENT: NA

PROJECT LOCATION: 895 Underwood Drive

PROJECT DESCRIPTION: Design Review and Coastal Development Permit to add approximately 508 sq. ft. to an existing 294 sq. ft., second story deck. The new deck will extend to the north across the west side of the house, following the footprint of an existing concrete patio.

ASSESSOR'S PARCEL NUMBER: 042-031-01

ZONING: UR - Urban Residential

GENERAL PLAN DESIGNATION: UR - Urban Residential

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per §15301 exempting additions to, and modifications of existing structures.

**APPEAL STATUS:**

Planning Commission action on a Coastal Development Permit, Variance, Conditional Use Permit, and/or Design Review approval application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project is X / ~~is not~~ appealable to the Coastal Commission per the City's certified LCP and may be appealable per Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The property is located on the East side of Underwood Drive. It is currently developed with an approximately 3,300 sq. ft. split-level, single-family residence on the central portion of the lot. The existing 3-bedroom house was constructed between 1966 and 1970. Access is provided from Underwood Drive. The recently upgraded 3-bedroom septic system is located west of the residence and proposed deck expansion. The lot slopes to the west towards bluff.

## **STAFF COMMENTS:**

Referrals were sent to the Building Inspector, City Engineer, and the County Division of Environmental Health (DEH). The Building Inspector, City Engineer, and DEH had no comments or issues with the project. The septic system is discussed further in that section of the staff report.

The existing 294 sq. ft. deck is also being replaced as part of this project, but that work would fall under the repair and maintenance exemption (§17.72.070.D). This project will not add any square footage to the house and will have minimal visual impacts. However, only low decks up to 30" in height or decks inside fenced areas are exempt from design review. The applicant has provided detailed plans and elevations as well as a number of photos to assist in evaluating the project.

### ***Potential Conflicts of Interest***

None known.

## **ZONING ORDINANCE / GENERAL PLAN CONSISTENCY**

The property where the project is located is zoned UR – Urban Residential. The purpose of this zone is to allow relatively dense residential development; single-family residences are a principally permitted use. The minimum lot size allowed in the UR zone is 8,000 sq. ft. and the maximum density is one dwelling per 8,000 sq. ft. The existing lot is 7,705 sq. ft. The proposed project will not change the square footage of the structure or lot.

The Urban Residential zone (§17.36.050) requires minimum yards of front 20', rear 15', and side 5' (§ 17.36.060). The parcel faces Underwood Drive to the east. The existing residence meets all required setbacks. Features such as decks, balconies, and stairways are allowed to extend up to 8 ft. into a rear yard setback (§17.56.110). The proposed deck extension will meet all required setbacks.

The maximum height allowed in the UR zone, by Zoning Ordinance §17.36.06 (average ground level elevation covered by the structure to the highest point of the roof), is 25 ft., except that the Commission may require a lesser height in order to protect views. The project will not affect the height of the existing structure.

The Zoning Ordinance (§ 17.56.180) requires 2 off-street parking spaces other than any garage spaces for single-family dwellings. Each parking space is required to be 18 ft. long and 8.5 ft. wide. The existing, large driveway accommodates more than two parking spaces.

The Trinidad General Plan and Zoning Ordinance protect public views of the coastline from roads, trails, and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. Due to the location of the deck in relation to surrounding structures, there is very little potential to block views from the road or from residences located behind the structure. Photos, including some from the Trinidad State Park trail below the house, were provided in addition to detailed elevations. The images and elevations indicate that views and visual resources will not be impacted. Neighbors have been notified so they can have a chance to provide input.

During the discussion of the Winnett project at the last meeting, story poles were discussed. Nowhere in Trinidad's ordinances are story poles required for projects, there is no existing policy to require them, and they have never been requested for all projects, only projects that may present substantial view issues. Therefore, to imply that they should be required for all projects for "consistency" is actually not consistent with existing regulations, policy or past precedence. However, there have been several interpretations and decisions recently that are not necessarily consistent with past precedent, which is confusing for applicants and staff. Because I don't know what the standard is now, I did suggest to the contractor that they consider placing story poles at least at the corners to indicate the extent of the deck.

New and reinforced footings will generally be secured to the existing patio. However, a small amount of soil disturbance immediately adjacent to the patio will be needed to accommodate the extended and reinforced deck footings.

This site is already connected to services and utilities, and these will not change. Construction materials will mainly consist of wood and glass. Colors also will match the existing residence. The contractor stated that the entire residence will likely be repainted, but exterior painting, even if the color changes, is exempt from Design Review and a CDP (§17.60.030 and §17.72.070.D).

## DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project proposes changes to the external profile of the structure and is not exempt (§17.72.070.C) from a CDP, §17.60.030 requires Design Review and View Preservation Findings to be made. The required findings are written in a manner to allow approval, without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

### Design Review Criteria

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure. Response: Very little soil disturbance will be required to place new concrete footings.*
- B. *Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible. Response: The project is located adjacent to Trinidad State Park, which is designated as an open space area. Materials will mainly consist of wood and glass, consistent with the existing residence, with colors that will also match the existing residence.*
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided. Response: Exterior materials and colors will be consistent with the existing structure and surrounding development.*
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used. Response: No changes in landscaping are proposed at this time. The property is already landscaped.*
- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development. Response: No signs are proposed as part of this project.*
- F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials. Response: No changes to the existing underground utilities are proposed; no new utilities are required.*

- G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are proposed as part of this project.
- H. *When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
1. *Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.* Response: The existing structure is larger than 2,000 sq. ft., but the square footage is not being altered.
  2. *Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.* Response: No such development is proposed.

## **View Protection**

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: The project is located adjacent to Trinidad State Park. Due to topography, fencing and vegetation, the deck will be minimally visible from a public trail. Materials will mainly consist of wood and glass, consistent with the existing residence, with colors that will also match the existing residence.
- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: Due to the size of the project and its orientation in relation to the building and its surroundings, including vegetation, it has minimal potential to block public views.
- C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an*

*uphill leach field, or the use of some other type of wastewater treatment facility: and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction. Response: The project will not be located on a vacant lot, nor will it affect building height or square footage.*

- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected. Response: There was no residence that was removed or destroyed by fire associated with this project.*
- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards. Response: The proposed project is not within 100 feet of the Holy Trinity Church, the Memorial Lighthouse, the Tsurai Study Area or the Cemetery.*

#### **SLOPE STABILITY:**

The project site is not mapped as being “unstable” or of “questionable stability” on Plate 3 of the General Plan. The project is located outside of the Alquist-Priolo Fault Zone. Therefore, the finding can be made that no geologic study is required by the Zoning Ordinance.

#### **SEWAGE DISPOSAL:**

The 3-bedroom residence is served by a 3-bedroom septic system that was recently upgraded. It is unknown when the system originally built, but it is estimated to be around 50 years old and previously consisted of an 1,800 gallon tank and two leach pits. New leach-lines were installed in 2018 as part of the sale of the property. A reserve area was not designated due to limited room, but there is some room in the front yard, particularly if some of the asphalt were removed. Because the leachlines were installed under a repair permit, they may be undersized for current standards; however, they meet the standards for a repair, and are much improved over the previous pits. An Onsite Wastewater Treatment Systems (OWTS) permit was issued on 10/25/2018 and is good until 2023.

## LANDSCAPING AND FENCING:

This project does not involve any new landscaping or fencing.

## STAFF RECOMMENDATION

Based on the above analysis, the project can be found to be consistent with the City's Zoning Ordinance, General Plan, Coastal Act, and other applicable policies and regulations. Therefore, the necessary findings for granting approval of the project can be made. If the Planning Commission agrees with staff's analysis, a proposed motion might be similar to the following:

Based on application materials, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required Design Review and View Protection and other findings in this staff report and approve the project as submitted in the application and described in this staff report, and as conditioned herein.

## PLANNING COMMISSION ALTERNATIVES

If the Planning Commission does not agree with staff's analysis, or if information is presented during the hearing that conflicts with the information contained in the staff report, the Planning Commission has several alternatives.

- A. Alter the proposed conditions of approval to address any specific concerns on the part of the Commission or the public.
- B. Delay action / continue the hearing to obtain further information.
  - In this case, the Planning Commission should specify any additional information required from staff or the applicant and / or suggestions on how to modify the project and / or conditions of approval.
- C. Denial of the project.
  - The Planning Commission should provide a motion that identifies the Finding(s) that cannot be made and giving the reasons for the inability to make said Finding(s).

## CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk prior to building permits being issued.*

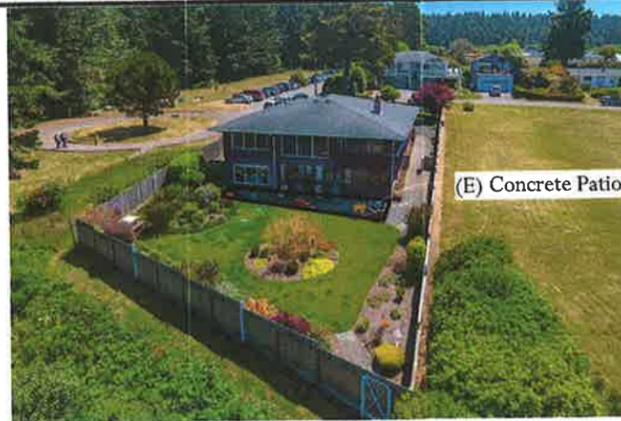
2. Based on the findings that community values may change in a year's time, approval of this Design Review is for a one-year period starting at the effective date and expiring thereafter unless the project has been initiated through application for a building permit or an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk prior to building permits being issued.*
  
3. Construction related activities are to occur in a manner that will not impact the integrity of the septic system. The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the contractor. If the proposed system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The contractor will be required to file a mitigation report for approval by the City and DEH prior to permitting additional work to occur. *Responsibility: Building Inspector to verify prior to building permits being issued and during construction.*

## ATTACHMENTS

- Plans and elevations (four 11"x17" pages)



Aerial View of 895 Underwood Drive  
(Looking N.W.)



(E) Concrete Patio



Location of  
Proposed Deck  
Addition



West Wall  
(Looking East)



## Discovery Design

(707) 677-1967  
dannykarl@prodigy.net

607 Stone Lane  
Trinidad, CA 95570

ENGINEER



252 G St.  
Arcata, CA 95521

(707) 822-2822

Gloria Speigle

895 Underwood Drive  
Trinidad, CA

A.P.# 042-031-001-000

No.	Description	Date

### Site Photos

Project	Speigle
Date	6/11/19
Drawn by	D.W.
Checked by	D.F.

# A1.1

Scale



S.W. Corner & West Wall  
(view from backyard)



West Wall of House  
(view from backyard)

(E) Concrete Patio



N.W. Corner of North Wall  
(view from park)



N.W. Corner of West Wall  
(view from park)

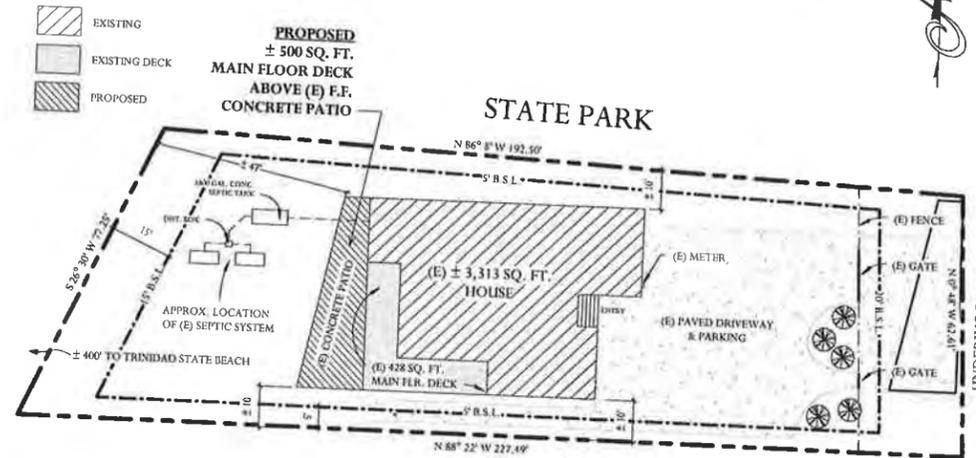


West Wall  
(view from below)



S.W. Corner of West Wall  
(view from below)

LEGEND	
	PROPERTY LINE (P.L.)
	BUILDING SETBACK LINE (B.S.L.)
	ROAD CENTERLINE (C/L)
	ROOF OVERHANG (O.H.)
	FENCE



① SITE PLAN



② South Elevation / Existing



④ West Elevation / Existing



⑥ North Elevation / Existing



③ South Elevation / Proposed



⑤ West Elevation / Proposed



⑦ North Elevation / Proposed

# Discovery Design

Danny Ferguson

(707) 677-1967  
dannykarl@prodigy.net

607 Stone Lane  
Trinidad, CA 95570

ENGINEER



252 G St.  
Arcata, CA 95521

(707) 822-2822

## REVISIONS

A.P.# 042-031-001-000

Gloria Speigle

895 Underwood Drive  
Trinidad, CA

## Site & Deck Information

Project	Speigle Deck
Date	6/7/19
Drawn by	D.W.
Checked by	D.F.

**A1.2**

Scale As indicated



① 3D View Looking N.W. / Existing



② 3D View Looking N.W. / Proposed



③ 3D View Looking North / N.E. / Existing



④ 3D View Looking North / N.E. / Proposed



⑤ 3D View Looking N.E. / Existing



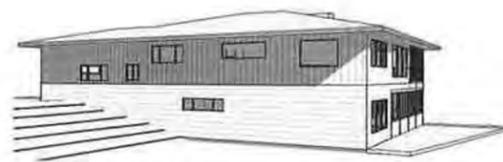
⑥ 3D View Looking N.E. / Proposed



⑦ 3D View Looking East / Existing



⑧ 3D View Looking East / Proposed



⑨ 3D View Looking S.E. / Existing



⑩ 3D View Looking S.E. / Proposed



⑪ 3D View Looking S.W. / Existing



⑫ 3D View Looking S.W. / Proposed

# Discovery Design

Danny Ferguson

(707) 677-1967  
dannykarl@prodigy.net

607 Stone Lane  
Trinidad, CA 95570

ENGINEER



252 G St.  
Arcata, CA 95521

(707) 822-2822

## REVISIONS

A.P.# 042-031-001-000

Gloria Speigle

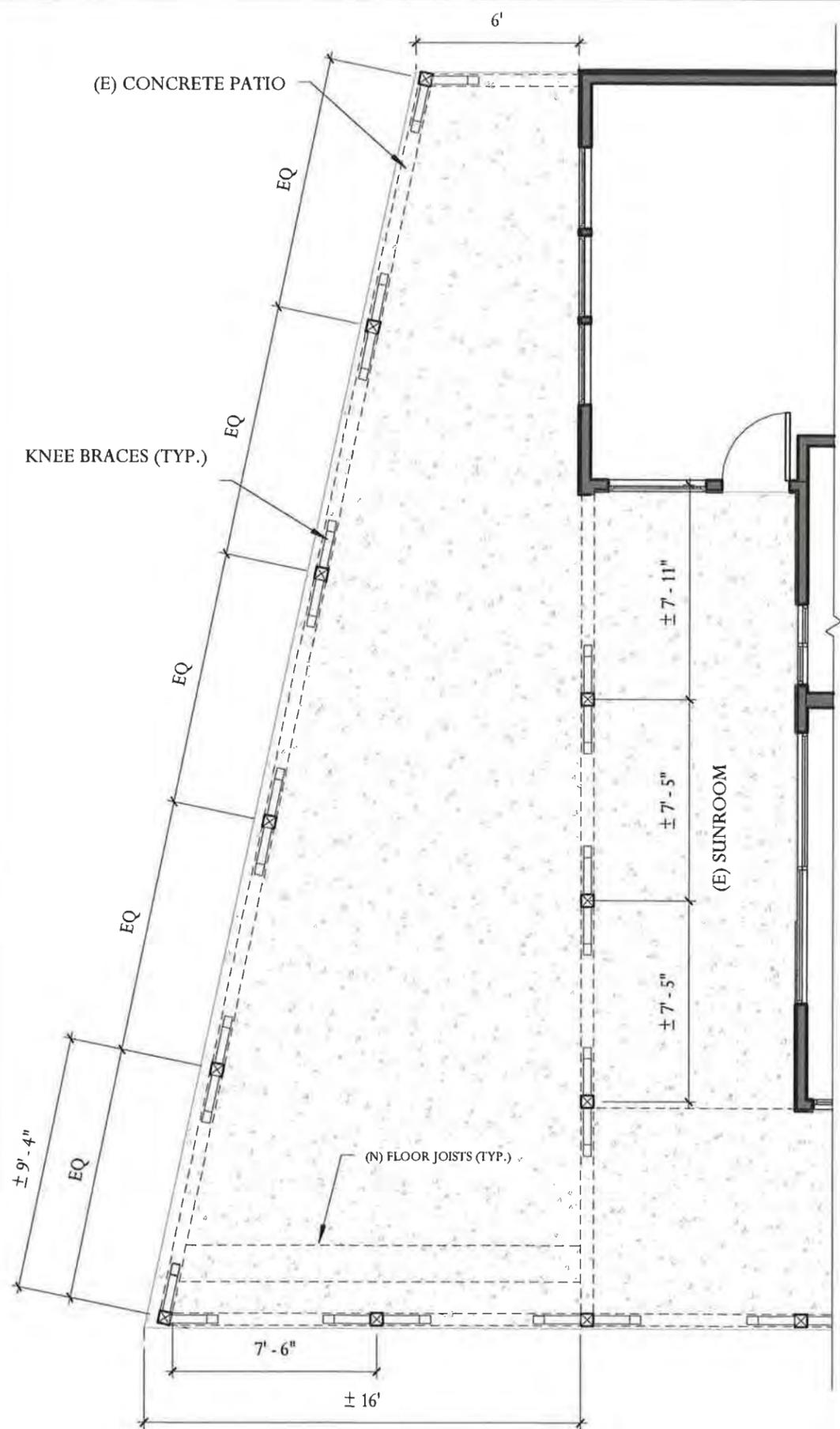
895 Underwood Drive  
Trinidad, CA

## Existing and Proposed 3D Views

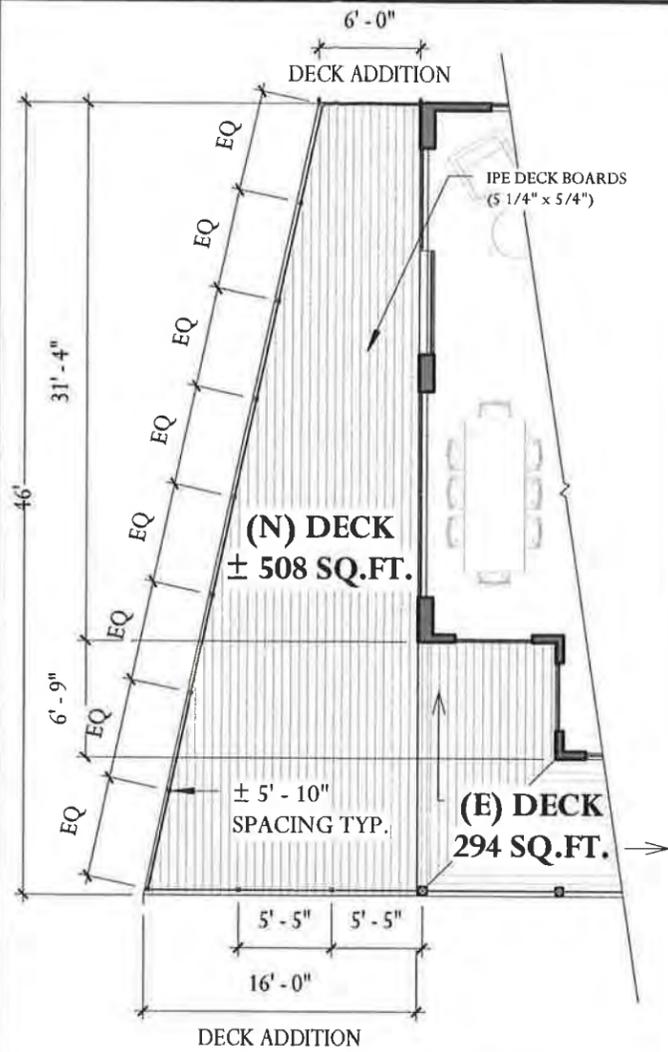
Project	Speigle Deck
Date	6/7/19
Drawn by	D.W.
Checked by	D.F.

# A1.3

Scale



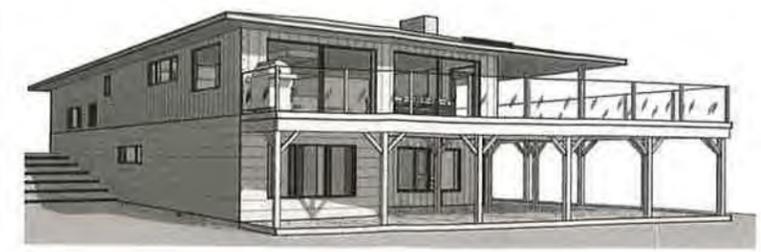
① (P) LOWER LEVEL DECK SUPPORT  
3/16" = 1'-0"



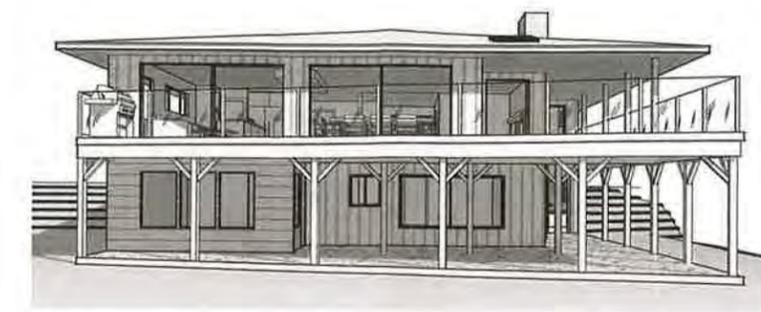
⑥ (P) MAIN FLOOR - DECK PLAN  
3/32" = 1'-0"



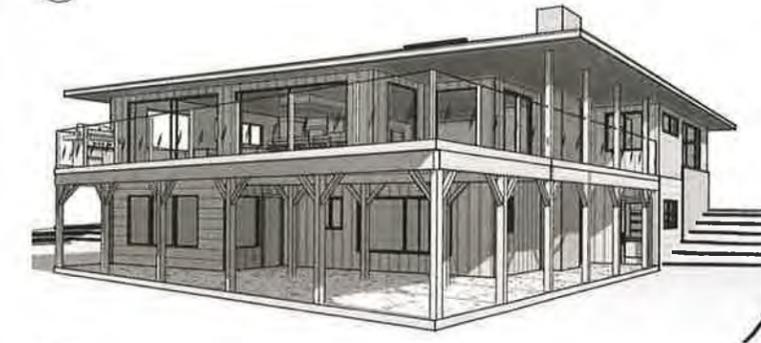
② West Elevation / Deck  
1/8" = 1'-0"



③ 3D View Deck



④ 3D View to Deck 1



⑤ 3D View to Deck 3

# Discovery Design

Danny Ferguson  
(707) 677-1967  
607 Stone Lane  
Trinidad, CA 95570  
dannykarl@prodigy.net

ENGINEER



252 G St.  
Arcata, CA 95521  
(707) 822-2822

Gloria Speigle

A.P.# 042-081-001-000

895 Underwood Drive  
Trinidad, CA

No.	Description	Date

## (P) Main Floor Deck Design

Project	Speigle
Date	4/08/19
Drawn by	D.W.
Checked by	D.F.

# A2.1.1

Scale As indicated

RECEIVED  
APR 12 '19  
CITY OF TRINIDAD



## MEMORANDUM

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**TO:** Trinidad Planning Commission

**FROM:** Trever Parker, City Planner

**DATE:** June 14, 2019

**RE:** General Plan Update and Scheduling

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I primarily have this item on the agenda for this meeting to discuss scheduling future meetings outside of the regular monthly meetings in order to continue working on the general plan update. We can also discuss the general plan update at regular meetings that don't have too many other items on the agenda. At the next general plan meeting, I will present the results of the water assessments that have been done. GHD has completed a Water Treatment Plant Production Rate Test and Analysis, and I am finishing up a build-out water demand assessment for the City and the service area. These will have implications for the Land Use Element and the Circulation Elements.

In addition, Commissioner Kelly has spent some time revising the vision statement, creating strategic goals, and summarizing /outlining the various elements to include in the Introduction chapter, as was discussed at a previous meeting. This can also be discussed at the next meeting.

In discussing the General Plan Update with the City Manager, he has suggested sending each element on to the City Council after review by the Planning Commission, rather than waiting for the entire document to be reviewed. This is a reasonable suggestion for keeping the update moving along, especially since the Planning Commission has already reviewed and approved previous versions of most of the elements.

We have a lot to accomplish this year on the entire LCP update, not just the general plan. I have provided you with the schedule for the LCP update grant, which will be over at the end of the year. It is an ambitious schedule, and doesn't even include most of the general plan update that still needs to be done. As a reminder, the City's LCP (Local Coastal Program) consists of (1) a Land Use Plan, which is basically equivalent to a General Plan; and (2) the Implementation Plan, which consists of all the ordinances relevant to development under the Coastal Act (e.g. zoning, subdivision, building and grading).

I would suggest that we try to schedule a meeting for some time on or around July 3, which is half-way between the two regular meetings, and won't interfere with a Council meeting. And we can consider scheduling additional special meetings for the next few months as well.

A tentative schedule might look something like the following:

- July: Water supply and demand issues; Introduction chapter and Vision
- August: Land Use Element; Implementation Plan update strategy
- September: Conservation, Open Space, Circulation Elements; IP update
- October: Coastal Hazards Planning; Noise and Safety Elements; IP update
- November: Housing, Cultural and Community Design Elements, IP update
- IP Update

## **SCHEDULE**

Project start/end dates: November 1, 2017 or grant agreement execution date – December 31, 2019

<b>Task 1. Coastal Erosion Hazard Management Plan</b>	11/01/2017 – 12/31/19
1.1 Assess coastal hazards and risks and develop a range of options to address those risks based on existing geologic studies	11/01/17 – 6/30/18
1.2 Stakeholder and public meetings to present options	06/01/19 – 7/31/19
1.3 Consultation with Coastal Commission staff	05/01/19 – 10/31/2019
1.4 Prepare Edwards Street Coastal Erosion Hazard Management Plan / Recommendations	07/01/19 – 09/30/19
1.5 Develop LCP policies and regulations to implement the Plan / Recommendations	08/01/19 – 11/30/19
1.6 Planning Commission review and recommendation	09/01/19 – 12/18/19
<i>Outcome / Deliverables:</i> (1) Risk Assessment & Options (2) Edwards Street Coastal Erosion Hazard Management Plan / Recommendations (3) Updated LCP policies / regulations	Completion Date: (1) 06/30/19 (2) 09/30/19 (3) 12/31/19
<b>Task 2. Water Supply Assessment</b>	02/01/2018 – 12/31/19
2.1 Develop Planning Area focus areas and land use scenarios for the Water Supply Assessment	12/01/17 – 05/31/19
2.2 Complete comprehensive Water Supply Assessment	02/01/18 – 06/30/19
2.3 Develop priorities and recommendations for water service to present to the public and stakeholders	04/01/19 – 07/31/19
2.4 Targeted stakeholder meetings	06/01/19 – 07/31/19
2.5 Consultation with Coastal Commission staff	05/01/19 – 10/31/19
2.6 Develop LCP policies and regulations and map(s) as needed based on Water Supply Assessment and stakeholder input	07/01/19 – 10/31/19
2.7 Planning Commission Review and Recommendation	09/01/19 – 12/15/19
<i>Outcome / Deliverables:</i> (1) Water Supply Assessment (2) Updated polices and regulations (3) Final Service Area Map	Completion Date: (1) 06/30/19 (2) 10/31/19 (3) 12/31/19
<b>Task 3. Implementation Plan (IP) update</b>	04/01/2019 – 12/31/19
3.1 In consultation with Coastal Commission staff, review and identify City code ordinances and regulations that need to be included in the LCP	04/01/19 – 06/30/19
3.2 City Staff review and update of IP ordinances	05/01/19 – 07/31/19
3.3 Consult with Coastal Commission staff regarding updated IP	04/01/19 – 12/31/19
3.4 Planning Commission review and recommendation	08/01/19 – 10/31/19
3.5 City Council review	10/01/19 – 12/31/19

3.6 Prepare a plan and strategy for drafting an LCP amendment application in coordination with Coastal Commission staff	11/01/19 – 12/31/19
<i>Outcome / Deliverables:</i> (1) City code assessment (2) Updated ordinances	Completion Date: (1) 06/30/19 (2) 12/31/19
<b>Task 4. Grant Administration</b>	11/01/2017 – 12/31/19
4.1 Sign grant contract with Coastal Commission	11/01/17 – 11/30/17
4.2 Submit quarterly invoices and reports	11/01/17 – 12/31/19
4.3 Submit grant close out materials / final report	10/01/19 – 12/31/19
Outcome / Deliverables: Final Report and invoice	Completion Date: 12/31/2019

### **BENCHMARK SCHEDULE**

ACTIVITY	COMPLETION DATE
Sign contract with Coastal Commission	Completion Date: 11/01/2017
Coastal Erosion Hazard Plan	Completion Date: 09/30/2019
Water Supply Assessment	Completion Date: 06/30/2019
Planning Commission recommended LCP erosion hazard policies and regulations	Completion Date: 12/15/2019
Planning Commission recommended water supply/service policies and regulations and Service Area Map	Completion Date: 12/15/2019
Planning Commission recommended Building, Grading & Subdivision Ordinance updates	Completion Date: 12/15/2019
Grant Close-out	Completion Date: 12/31/2019