



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

The Trinidad Planning Commission will hold a rescheduled meeting on  
**TUESDAY, NOVEMBER 13<sup>th</sup>, 2018, 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 – October 2, 2018  
– October 17, 2018
- III. APPROVAL OF AGENDA
- IV. ITEMS FROM THE FLOOR
- V. AGENDA ITEMS

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

1. Rancheria 2018-09: Design Review and Use Permit to raise the height of the existing tsunami warning siren near the Seascapes vacation rental and place it on a 35-ft. tall pole to meet recommendations for appropriate height and sound propagation. The purpose of the project is to meet recommendations for appropriate height and sound propagation. Located at: 1 Bay St.; APN: 042-071-08.
2. Steinberg 2018-10: Use Permit and Coastal Development Permit to remove four (4) large (>12" DBH) nonnative Monterey Pines from the property along upper Van Wycke Street. This is a separate, but related, application from the view restoration process that was previously occurring for these trees (VRP 2015-02). Located at: 723 Van Wycke St.; APN: 042-091-003.

3. General Plan Update: Update and discussion of current status, next steps and review of a new draft Circulation Element. *Continued from the October 17 and October 30, 2018 meetings.*

**VI. COUNCIL REPORT**

**VII. STAFF REPORT**

**VIII. FUTURE AGENDA ITEMS**

**IX. ADJOURNMENT**

**MINUTES OF THE SPECIALLY SCHEDULED MEETING OF THE**  
**TRINIDAD PLANNING COMMISSION**  
**Tuesday, October 2, 2018**

**I. CALL TO ORDER/ROLL CALL (5:00 pm)**

Commissioners Present: Graves, Stockness, Johnson

Commissioners Absent: None

Staff: Planner Parker

**II. APPROVAL OF AGENDA**

*Motion (Johnson/Stockness) to approve the agenda.*

*Passed unanimously (3-0).*

**III. ITEMS FROM THE FLOOR**

There were no items from the floor.

**IV. AGENDA ITEMS**

1. General Plan Update: Update and discussion of current status, next steps and review of new draft Conservation, Open Space and Recreation Element. *Continued from the September 19 meeting.*

*Staff Report*

Parker stated that she has no new information or materials to present. She notes that the discussion at the last meeting focused on the old figures.

*Commissioner Comments/Questions*

Commissioner Johnson would like clarification that the quote from Government Code §65302(d) is current and correct. He would like clarification as to whether it applies to just public or private land or both.

The following additions were made to the Glossary:

- TMDL
- Critical Water Supply
- MS4
- BMP (add other BMPs, not just water quality)
- Basin Plan
- ESHA Buffer Area
- Qualified professional (may change depending on the resource)
- Conservation easement
- Urban Services Boundary
- OTDs

Commissioner Johnson recommended that the City seek to develop an MOU with the County regarding referrals for developments in the Luffenholtz Creek watershed.

Commissioner Johnson notes that overall, there are a lot of public outreach policies in this element. He questions how they will be implemented. Parker responds that it will vary, and could include things like regulations and/or grants. Johnson adds that the Commission has discussed the large number of programs that are included in the update. Those need to be compiled so the City can review them to consider what is realistic to accomplish. He requests that staff put together a list of programs along with some information about how each might get done. Then they can be prioritized.

The following edits were made to the Conservation Element:

- Update the discussion of the City's stormwater discharge. Clarify whether the MS4 permitting would still apply if the discharge is eliminated;
- What is the basis for the 15% slope criteria;
- Clarify how/where a water efficiency landscape ordinance would fit into the City's code;
- Clarify that the discharge exception will no longer be required if/when the stormwater discharge is eliminated;
- The last paragraph under "biological resources" seems out of place;
- Ensure that the requirements for biological reports are consistent;
- Reword Goal CONS-6 (it is awkward);
- Don't use business and owner names, as those will change over time;
- Verify quarry zoning;
- Reword Goal CONS-7 to make more applicable to Trinidad;
- The Chamber of Commerce kiosk is gone;
- Reword CONS-10.10;
- Remove CONS-10.19 (moot).

*Public Comment*

There was no public comment.

*Commissioner Discussion*

There was no further discussion.

**V. STAFF REPORT**

Staff had nothing new to report.

**VI. FUTURE AGENDA ITEMS**

No future agenda items were discussed.

**VII. ADJOURNMENT**

*The meeting was adjourned at 6:45.*

**Submitted by:**  
**Trever Parker**  
Acting Secretary to the Planning Commission

**Approved by:**  
\_\_\_\_\_  
**John Graves**  
Planning Commission Chair

DRAFT

**MINUTES OF THE REGULARLY SCHEDULED MEETING OF THE**  
**TRINIDAD PLANNING COMMISSION**  
**Wednesday, October 17, 2018**

**I. CALL TO ORDER/ROLL CALL (6:03 pm)**

Commissioners Present: Graves, Johnson, Stockness  
Commissioners Absent: None  
City Planner Staff: Parker  
City Staff: Zetter

**II. APPROVAL OF MINUTES**

*September 11, 2018*

***Motion (Johnson/Stockness) to approve the minutes as submitted.  
Passed unanimously (3-0).***

*September 19, 2018.*

Change on page 4 of 6. "She requests input from the Commission on whether they **want** to use old or new data or a combination." Changed from water to want.

Change on page 5 of 6. "The usefulness of figures 7a and 7b are discussed, and it is generally agreed to keep them, but add a disclaimer that the maps don't **show** all ESHAs." Changed shall to show.

***Motion (Stockness/Johnson) to approve the minutes as amended.  
Passed unanimously (3-0).***

**III. APPROVAL OF AGENDA**

***Motion (Johnson/Stockness) to approve the agenda.  
Passed unanimously (3-0).***

**IV. ITEMS FROM THE FLOOR**

Do. Cox (436 Ocean Ave) noted that, in relation to the minutes, McConnahas Mill Creek had been misspelled with an "n" on the map, not an "s". Cox also stated that there had been issues with the website, and she was not able to access some of the menus and documents. Zetter responded that the City is working on fixing it.

Commissioner Stockness asked about the status of the stormwater project. Parker advised that any questions about the work should be directed to City Manager, Dan Berman or Grant Administrator, Rebecca Price-Hall.

**V. AGENDA ITEMS**

1. Hazeleur 2018-08: Design Review and Coastal Development Permit to accommodate the remodeling of an existing 640 sq. ft. accessory structure that was previously utilized as living space. Remodeling includes the addition of a 142 sq. ft. second story to the existing

accessory structure, resulting in a total residential floor area of 2,141 sq. ft. No increase in the number of bedrooms is proposed. Located at: 513 Trinity Street; APN 042-101-001

### *Staff Report*

Parker summarized the staff report. She explains that the property is zoned PD – Planned Development. Parker advises that this zone allows for multiple uses, however the property is not large enough to accommodate a second dwelling unit. Parker explains that the proposal includes remodeling a detached accessory structure to create additional living space and the addition of a small second story on the accessory structure. Parker noted that the applicant has stated that the previous owners also used the detached structure as a living space. Parker summarizes the square footage, setbacks, septic system and other applicable regulations as well as the required findings and proposed conditions of approval. Staff recommendation is for approval, because the project is consistent with the standards of the LCP.

### *Commissioner Comments/Questions*

Commissioner Stockness commented that the lot coverage is a concern for her. Commissioners Stockness and Johnson raised a concern regarding the septic system. City Planner, Parker advised that no bedrooms were being added, and DEH had no objections to the project. She also explained that the application is in the process of building a small shed that does not require a permit, but due to DEH concerns about taking up potential reserve area, the applicant was required to sign a statement acknowledging that the shed may need to be removed if additional leachlines are ever needed. Commissioner Johnson requested clarification regarding a reserve leachfield. Parker responded that a reserve leachfield was not required to be officially located as part of this project, but that there is room for additional leachlines if needed.

Commissioner Stockness was concerned about the structure's proximity to property lines, and an existing telephone pole that is close to the accessory structure and an eyesore. Parker states that notices were sent to surrounding property owners, so they would have a chance to comment. She adds that no changes are being made to the footprint of the structure. She doesn't know anything about the pole; it is not part of the project.

There was a discussion about the possibilities for renting the structure. Parker noted the condition for the deed restriction to restrict the use to a single-family residence. All the conditions from the City's new detached living space policy were included in the project. However, it was discovered that there was an error in condition #6, so the wording was amended to be consistent with the City's policy. The conditions would allow the space to be rented as part of the main residence, like renting a bedroom in a home, but space cannot be rented as a separate unit. Similarly, it could be rented as a type of STR (homeshare).

There was a discussion regarding periodic inspections and enforcement. The Commissioners were generally satisfied with the conditions, but wanted to ensure that the applicant also understood them.

Commissioner Graves requested clarification on the setbacks and the nonconformance. He also asked whether solar shading is an issue. Parker explained that the zoning ordinance allows nonconforming structures to be altered and expanded, as long as the existing degree of

nonconformance is not increased. Solar shading also is not addressed in Trinidad's ordinances, but the neighbors have an opportunity to weigh in at this hearing.

*Applicant Comment*

B. Hazeleur (applicant, 513 Trinity St.) explained that the property was purchased approximately two and a half years ago, and he has been fixing it up ever since. He described the condition of the detached structure when he bought it, and the living area improvements it already had. He explained that he does not want to rent the space as an STR, but he may want to rent it in the future, possibly to a caretaker.

The applicant also stated that he has received support from neighbors, including the winery property owner. He advised that he isn't aware of any opposition. He also explained that he had reached out to PG&E to remove the telephone pole, since it is out of commission. However, PG&E required a payment of approximately \$10,000 for its removal, as they claim it is structurally sound. Hazeleur explains the small storage shed he is building and its relation to the leachfield, noting that he had to sign a document acknowledging that the shed may need to be (re)moved if additional leachlines are needed in the future.

Commissioner Stockness, asked how an individual would access the space and where would the additional occupants park. Hazeleur advised that interior stairs will be installed and cars will park in the gravel driveway. Hazeleur also noted that he is planning on building a fence around the property.

*Public Comments:*

M. Kline (500 West St.) stated that she is in support of the proposed project. The property already looks much better than it did, and the project will add to the improvements.

K. Lake (435 Ocean Ave.) stated her concern regarding the staff report, the process, the option to apply for an STR license, the required paving, and the absence of height requirements. However, she is in support of the project.

Do. Cox (436 Ocean Ave.) also provided her support for the applicants and the project. She appreciates that they are following all the rules.

Applicant, K. Hazeleur, feels that the addition will be beneficial to the neighborhood.

B. Hazeleur, adds that he explored all his options, and emphasized that he is trying to follow all the City's rules, which can be cumbersome. He appreciates all the support he has gotten from the community.

*Commissioner Discussion*

Commissioners discussed the amended condition six to ensure that it is consistent with the City's Detached Living Space Policy.

Commissioner Graves advised the applicant that the Planning Commission can't make decisions based on the owners' stated intent, and have to apply the rules equally to everyone. He also

advises the applicant to carefully review the conditions, and suggested that the hearing could be continued if the applicant needs more time. The applicant did question the requirement for periodic inspections. City Planner, Parker, clarified that the inspection is a safeguard policy, requires 24-hour notice to the owner, and would likely only be used if the City got a complaint that something was wrong. Commissioner Johnson noted that he is comfortable with the project and the conditions as amended and is ready to make a motion to approve the project.

Commissioner Stockness requested an additional condition be added that the applicant will construct sight/story poles to show the height of the second story for the benefit of neighbors. It was agreed upon that the poles are to be put up within a week and be in place for an additional ten days. The tenth condition reads as follows: “The applicant shall place story pole(s) depicting the finished maximum height of the proposed second story/cupola within a week of the date of the Planning Commission action (by October 24). The pole shall remain in place for at least 10 days after placement (*property owner to ensure*).

**Motion – (Johnson/Stockness) moves to adopt the information and findings in the staff report and approve the project as described and conditioned therein, to include modified condition six and added condition ten.**

**Passed unanimously (3-0).**

2. General Plan Update: Update and discussion of current status, next steps, and review of new draft Conservation, Open Space and Recreation Element.

#### *Staff report*

City Planner Parker notes that the agenda lists the wrong General Plan element, but that the item is broad enough to include a general discussion of anything General Plan related, and that the correct element was in the packet, reducing the potential for confusion. She concludes that the Commission can discuss the Circulation Element, since no action will be taken. She also noted that updated Conservation Element figures were included with the packet for discussion as well.

#### *Commissioner Comments/Questions*

In response to a Commissioner question, Parker explained the definition of Environmental Justice and will add it to the Glossary.

Commissioner Johnson addressed figure 8b, stating that there needs to be confirmation of the correct common names for the terrestrial species. He advised that a disclaimer should be added to the map, noting that these are individual observations, and it does not mean that the species do not occur elsewhere. City Planner Parker agreed with the proposed addition.

Commissioner Johnson discussed figure 9b, as he would like to add an explanation regarding the soil limitations. Parker confirmed that the figure is incomplete, because the soil limitations have not been categorized. Johnson requested that prime agricultural soils be included; Parker agreed.

Commissioner Graves questioned whether or not there would be an emergency preparedness element in the General Plan. Parker advised that there is a public safety component, and the next

element will be the Noise and Public Safety Element. Graves noted that this is an important issue for Trinidad, and that the City needs to be prepared for a disaster. The Emergency Response Plan is discussed, as well as the need for access to the east through logging roads, should Hwy 101 be compromised, such as from a tsunami.

#### *Public Comments*

K. Lake (435 Ocean Ave) advised that it is important for the Planning Commission to understand the circulation issues, as they are not clearly stated in the plan. She also advised that the General Plan needs to address the parking issues, as there are a number of parking exceptions for STRs and encroachments on City streets. She suggests reviewing the ad hoc committee's report.

Do. Cox (436 Ocean Ave.), agreed with the K. Lakes comments regarding parking and added that transit routes have also been an issue.

Additionally, K. Lake wants to know more about water service and annexation issues. In response, Parker noted that the water service section of the plan has not been recently updated, because the City is currently working on a water supply assessment.

#### *Commissioner Discussion*

Commissioner Stockness is concerned about the stormwater project. Commissioner Johnson asks if the City Engineer has reviewed the stormwater section. Parker noted that they reviewed the element in the past, but not recently. She will get it to GHD for review. Commissioner Johnson suggested that they hold off on reviewing the water section until the water study is complete.

Motion (Johnson/Stockness) continue the discussion of the Circulation Element to the next Special Meeting on October 30<sup>th</sup>.

## **VI. COUNCIL REPORT**

The Council approved a scope and budget for the City Engineer's office to assess the treatment capacity of the City's water plant.

## **VII. STAFF REPORT**

Parker advised that the City is working on comments regarding the Environmental Assessment for the Rancheria's hotel proposal. Parker also noted that there would be two applications on the November meeting agenda - tree removal and the tsunami siren. Parker also updated the Commission on several grants and other ongoing projects.

Commissioner Graves suggested that an ad hoc committee be formed to provide input for the City's EA comments in order to ensure transparency. The Commission agreed and suggested Commissioner Johnson be part of that committee.

The Commission tentatively rescheduled the November meeting to Tuesday, November 13, because the regular meeting would be the night before Thanksgiving.

**VIII. FUTURE AGENDA ITEMS**

There were no suggestions for future agenda items.

**IX. ADJOURNMENT**

Meeting was adjourned at 8:13 pm.

**Submitted by:**  
**Angela Zetter**  
Administrative Assistant

**Approved by:**

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**John Graves**  
Planning Commission Chair

DRAFT



Filed: September 25, 2018  
Staff: Trever Parker  
Staff Report: November 7, 2018  
Commission Hearing Date: November 13, 2018  
Commission Action:

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

APPLICATION NO: 2018-09

APPLICANT (S): Trinidad Rancheria

AGENT: NA

PROJECT LOCATION: 1 Bay Street (Harbor Area)

PROJECT DESCRIPTION: Conditional Use Permit and Design Review to raise the height of the existing tsunami warning siren near the Seascapes vacation rental and place the siren on a 35 ft. pole. The purpose is to meet recommendations for appropriate height and sound propagation.

ASSESSOR'S PARCEL NUMBER: 042-071-08

ZONING: C - Commercial

GENERAL PLAN DESIGNATION: C - Commercial

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per the CEQA Guidelines §15301 exempting alterations to existing structures and/or §15311 exempting placement of accessory 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, because it does not involve a coastal development permit.

## **SITE CHARACTERISTICS:**

The tsunami warning siren is located on parcel 042-071-008, which is in the Trinidad Harbor area. The siren will be placed in the same location as it is currently; the pole will be placed where the existing concrete slab is, adjacent to the driveway to the west of the vacation rental that sits above the Seascape Restaurant. The is just one of the parcels that make up the Harbor area, and currently contains a caretaker residence, which is operated as a short term rental (STR), the restrooms, the OWTS, and much of the paved portion of the parking area associated with Trinidad Harbor. Topography of the site varies, with some areas that are relatively flat, and others that are very steep.

## **STAFF COMMENTS & PROJECT BACKGROUND:**

The siren is permanent and will serve as a warning of distant-source tsunamis. The purpose of the project is to warn beachgoers, harbor users and boaters of a tsunami hazard as part of the Remote Community Alert Systems Program funded by the Office of Emergency Services and in coordination with the National Tsunami Hazard Mitigation Program. Large earthquakes of distant or local origin can cause tsunamis, which can be very damaging in California. (The warning system for near-source tsunamis is ground shaking.) The frequency of occurrence for such events is considered relatively high.

The tsunami siren was originally approved in 2011. The original proposal and engineering plans were to place this siren on a 35 ft. tall pole, buried 6 ft. in the ground. That is the same design and construction that has occurred up and down the north coast with the installations of similar sirens. In particular, you have probably seen the one that is located at Clam Beach. One difference with the Trinidad siren is that the antennas and control equipment have been placed on the vacation rental and so will not be on the pole itself as in other locations.

Aesthetic concerns were brought up by several members of the public during the previous project planning. As a compromise, the Rancheria proposed mounting the siren on the ground on a concrete slab instead of on the pole. After the siren was installed, it was tested, and several sound readings were taken. This information is presented below. The results showed dangerous sound levels near the tsunami siren, including at the vacation rental, and from the Trinidad Head road. Sound levels in excess of 115 decibels, even over a short period of time, have been found to permanently damage hearing. The siren noise level was turned down substantially to avoid this hazard, but reducing the volume also reduces the effectiveness and distance of the warning.

Placing the siren on a pole will alleviate these hazards by getting it further away from where people could potentially be. Also, because the sound waves will form a cone around the pole, it will be louder at some angled distance from the pole than directly beneath it, further decreasing the hazard. According to the applicant, the sound propagation to target areas, particularly to the south will be improved, as there are fewer physical barriers to the sound

waves at that height. In addition, at its existing elevation, the siren is in an area of potential inundation from a tsunami, and placement on a pole will make it safer from such an event. Finally, the tsunami siren is being damaged by vehicular traffic at the STR in its current location.

*Below are the data notes and loudness comments for the Trinidad tsunami siren test activation on July 19, 2011.*

*Decibel meter readings:*

*About 10 feet away from siren: 125 dB*

*Nearest building corner: 118-123 dB*

*Cottage porch: 100+ dB*

*Edwards St at Van Wycke St: 92-95 dB*

*Front of restaurant: 86 dB*

*Mid pier: 77 dB*

*Subjective reports:*

*State beach: heard*

*College Cove on beach: barely heard*

*Fox Farm/Westhaven Dr: heard in house*

*Light house: loud and clear*

*Casino lot: loud and clear*

*Tribal office: heard indoors*

*Houda Pt: not heard*

*Moonstone Beach: not heard*

*Baker Ranch: barely heard*

*Marine Lab: loud and clear in lot; both heard or barely heard inside*

*Murphy's Market area:*

*Inside Murphy's and other businesses: not heard*

*Parking lot: multiple reports -- heard, barely heard, and not heard*

Another issue that came up at the previous hearings was how the decision was made to place the siren in this location and whether there were alternative locations that would have reduced aesthetic impacts such as in the Harbor parking lot, on Town Hall, or other locations. The following is an explanation from Dan Larkin, from the County Office of Emergency Services, who was administering the program at the time, regarding the decision to place it in its current location and why it is really the only feasible and logical location.

*A general Trinidad siren location was identified in April 2008 as part of the initial Cal EMA grant application to NOAA and also in the County's subsequent application to Cal EMA in June 2008. As part of simplifying the grant implementation process, it was known early-on that all potential siren sites had to be located on government property (local or tribal). From the start of this process, the City of Trinidad contact for emergency management-related activities was Police Chief Ken Thrailkill. Chief Thrailkill was very supporting of the project. Concurrent with my conversations with Chief*

*Thraikill, I was also discussing the project with Mike Hostler and other Trinidad Rancheria representatives including Shirley Laos. They were also very supportive of the project. As the project timeline unfolded and the projected siren site was identified to be on Rancheria property, Chief Thraikill became less involved in discussions. He remained supportive of the project concept until his departure later in 2010. (I also worked with Chief Thraikill to acquire tsunami signs for the City during this same time frame.)*

*Throughout the siren grant process, my primary RCTWG contact has been Troy Nicolini of the NWS. We have collaborated on almost all aspects of the siren site implementation process from first identifying general sites to funding estimates to specific locations to contractors / vendors. Troy and I also collaborated, along with others, to acquire the siren units themselves. Thus, we were very familiar with their capabilities and optimum placements. The bottom line for sirens is that, to be most effective, they have to be placed very near to where they must be heard. Specific siren site locations were also discussed during RCTWG meetings where member comments were solicited and acted upon. At some point during this process, most likely in late 2009, it was determined by us, after continued discussions during RCTWG meetings, that the most optimum site at Trinidad to cover the harbor and beaches was the isthmus area between the City proper and Trinidad Head – the site had the most “positives” and fewest “negatives” of any coastal location. In fact, the location was an obvious choice, and no other possible location even came close to serious consideration (the firehall or townhall, somewhere on Trinidad Head, the lower end of Edwards St., and the harbor pier were all mentioned). The initial meeting to site a siren on Rancheria property was held in November 2009, and, by February 2010, initial planning efforts began for the chosen site.*

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

The Harbor Study Area, consisting of parcels 042-071-08, -12, -13, -14, is an Area of Deferred Certification in the City’s Local Coastal Program (LCP). This means that the Coastal Commission has not certified the City’s zoning and land use designation of the parcels in this area. As a result, the City has not been given the authority to issue Coastal Development Permits (CDPs) in the Harbor Area and the Coastal Commission retains that jurisdiction. However, the City did legally adopt a General Plan and Zoning Ordinance that covers this area, and the City has land use authority other than for CDPs. Therefore, the City still has authority over Design Review, Use Permits and other development approvals in the Harbor Area. The Rancheria received a Coastal Development Permit Waiver from the Coastal Commission for the original placement of the existing siren. Rancheria staff is currently working with Coastal Commission staff to determine whether a new Waiver will be required to place the siren on a pole in the same location.

The project will be located on a parcel that is zoned C – Commercial. The purpose of the C Zone is to provide for services that meet the needs of residents and visitors. Uses that serve the commercial fishing industry are also appropriate. The General Plan recognizes that fishing and tourism are major industries within the community and should be encouraged. The purpose of this project is to protect public safety by providing visitors and locals alike

with an early warning system for an approaching tsunami hazard. This will improve functionality of the harbor area for the public, and the structure is consistent with the intent and allowable uses of the zoning ordinance. The structure will be located on a large parcel, and regulations dealing with lot size, density and setbacks do not apply.

Height is an issue that warrants some consideration. Zoning Ordinance §17.44.070 limits building heights in the C zone to 25 ft., except that a use permit may be issued for greater heights. Since §17.08.010 states that “‘building’ shall include the word ‘structure,’” then this height limit also applies to other structures besides buildings. The entire siren structure will be approximately 35 ft. tall – including a 35 ft. pole buried 6 ft. in the ground with the siren mounted on top of that. Zoning Ordinance §17.56.100 excludes “chimneys, vents, flagpoles, conventional televisions reception antennas, ventilating air conditioning equipment, parapet walls and similar architectural and mechanical appurtenances” from the height requirements. Staff has interpreted this to include utility poles as a similar appurtenance to those listed, as it is an accessory use / structure to what already exists in the harbor. This interpretation is supported by the fact that the City does not require a Use Permit for other utility poles in town as far as I know. However, due to the sensitivity of the area and previous controversies over this project, staff has included the use permit findings to allow a greater height in case it is found necessary. In addition, the Planning Commission should consider what precedence this decision could set either way, such as for future requests for utility, light or flag poles, etc.

## **DESIGN REVIEW / VIEW PROTECTION FINDINGS:**

Because the structure will be over 3 ft high, Design Review approval is required. Recommended Design Review / View Preservation 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. However, in this case, public safety should also be taken into account. The applicant has provided photo mock-ups of what the siren will look like on a pole.

### **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: The location of the siren has been chosen to maximize sound lines of sight to Trinidad State Beach, the harbor area itself and the City’s southern beaches. Removal of the concrete pad and placement of the pole will require little surface disturbance and will not significantly alter the ground surface.
- 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 site is located near to

Open Space areas. The siren construction is for utility purposes and not modifiable. The pole is wooden and the siren is green, and the structure has been located to maximize sound propagation and public safety. It is consistent with other tsunami sirens located in open space areas up and down the coast.

- 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: The siren construction is for utility purposes and not modifiable. The pole is wooden and the siren is green, and the structure has been designed and located to maximize utility and public safety. It is consistent with other tsunami sirens located in natural environments up and down the coast.
- 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: The structure will be located near the driveway to the STR in an area that is already disturbed and developed. Plants would impact the existing driveway and would not be able to screen the entire pole or siren. Screening can be found to be unnecessary.
- 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: Required utilities have already been provided to the structure.
- 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. Tsunami zone signs were placed around town as part of a separate 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.*
  - 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 new buildings are proposed as part of this project.

## 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: Although the project site is located near to beaches and trails, the siren must be placed in an elevated location in order to be heard for the greatest distance possible in order to maximize public safety. It also must be elevated in order to avoid the risk of hearing damage to people nearby. The siren and pole have a narrow profile and are located nearby to existing utility poles, an STR and the harbor and not in a pristine area. The siren and pole are consistent with other sirens and utility poles nearby and adjacent to beaches and trails up and down the coastline.
- 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: The location has been chosen such that it maximizes public safety. The siren and pole have a narrow profile and are located nearby to existing utility poles, an STR and the harbor and not in a pristine area.
- 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: No new buildings are proposed as part of this project.
- 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 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 project is not located within 100 ft. of any of the Tsurai Village, Cemetery or Holy Trinity Church. It is now located within 100 ft. of the Memorial Lighthouse. However, the raised siren is consistent with other nearby development and will not impact the TML.

## **USE PERMIT FINDINGS:**

As described above, staff considers the siren an accessory use or structure to the primary uses and structures already existing on the lot. As such, it could be considered to fit into §17.56.100 as “*similar architectural and mechanical appurtenances*” that would not be included in the 25 ft. height limitation in the C zone. However, if the Planning Commission feels differently, or the public presents evidence that conflicts with staff’s interpretation, then a Use Permit may be granted for the taller height using the following findings:

- 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 intent of the siren is to improve public safety by providing an early warning tsunami siren. The height of the structure is standard and necessary to maximize the sound propagation, protect persons nearby from hearing damage and to protect the siren from vehicular and potential tsunami damage.
- 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 intent of the siren is to improve public safety by providing an early warning tsunami siren. The height of the structure is standard and necessary to maximize the sound distance, protect persons nearby from hearing damage and to protect the siren from vehicular and tsunami damage. The pole will be located in an area not generally accessible to the public and will not pose a hazard.
  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 siren will not affect traffic or parking except during construction. Placement of the siren on a pole may improve safety, since it is currently getting damaged by vehicles.
  3. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;* Response: The siren will not emit glare, dust or odor, and will only emit noise in response to an official tsunami warning or regular testing.
  4. *Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs;* Response: No changes to landscaping or current loading areas are proposed.

- 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 project 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: There will be no significant adverse environmental impact. The project is categorically exempt from CEQA per §15301 exempting modifications to existing structures and/or §15311 exempting placement of accessory structures.
- 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:*
1. *The development provides adequate physical access or public or private commercial use and does not interfere with such uses.* Response: The project will not physically interfere with coastal access.
  2. *The development adequately protects public views from any public road or from a recreational area to, and along, the coast.* Response: The location and narrow profile of the proposed siren will maximize public safety while minimizing view obstruction.
  3. *The development is compatible with the established physical scale of the area.* Response: The siren is similar to an adjacent utility pole.
  4. *The development does not significantly alter existing natural landforms.* Response: Only minimal ground disturbance will be required, and landforms and topography will not be altered.
  5. *The development complies with shoreline erosion and geologic setback requirements.* Response: The pole will be located in a flat area will away from any bluff.

## **SLOPE STABILITY:**

The siren will be located in an area that is designated as having “questionable stability” on Plate 3 of the General Plan. However, very little ground disturbance will be necessary to place the pole. It will be buried 6 ft into the ground in an area that is flat, already developed and adjacent to the existing vacation rental driveway. The applicant has submitted structural drawings and engineering calculations that will be reviewed by the City’s Engineer and Building Official.

## **SEWAGE DISPOSAL:**

The placement of the siren does not require sewage disposal and will not affect the existing system.

## **LANDSCAPING AND FENCING:**

This project does not involve any new landscaping or fencing.

## **STAFF RECOMMENDATION**

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

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

## **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. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to sign placement.*
2. The applicant shall submit documentation of approval or waiver of a Coastal Development Permit for the project from the Coastal Commission. *Responsibility: Building Official to confirm at time building permits are issued.*
3. Recommended conditions of the City Building Official shall be required to be met as part of the building permit application submittal. *Responsibility: Building Official to confirm prior to building permits being issued.*
4. Construction related activities are to occur in a manner that incorporates storm water runoff and erosion control measures in order to protect 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: Building Official to confirm at time building permits are issued and during construction.*
5. A qualified cultural monitor will be employed to be on-site during ground disturbing activities. *Responsibility: Building Official to confirm at time building permits are issued.*

## ATTACHMENTS

- Letters of support/transmittal
- Plans
- Site Plan
- Photo Mock-ups



# Cher-Ae Heights Indian Community of the Trinidad Rancheria



September 21, 2018

Trever Parker  
City Planner  
409 Trinity Street  
Trinidad, CA 95570

RECEIVED

SEP 25 '18

CITY OF TRINIDAD

RE: Trinidad Rancheria Tsunami Siren Height Adjustment Project

Dear Trever:

Attached is the tsunami height adjustment use permit application from the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria). Per your recommendation, I am attaching two copies of the background materials (not ten copies as required in the use permit application) as the background materials have not changed from the original use permit application package of February, 2011. This application addresses height adjustment of the original installation of the tsunami siren to its originally recommended height of 30 feet. Also attached is a letter of recommendation from the Humboldt County Sheriff's Office supporting the height adjustment.

The height adjustment is necessary for the siren to be elevated to the proper height for adequate sound propagation so that warnings will be heard over a larger area of the beach and surrounding area. Additionally, the current installation is so low that the siren is being damaged by vehicular traffic.

You may contact me at [slaos@trinidadrancheria.com](mailto:slaos@trinidadrancheria.com) if there are questions or additional material required for this application.

Sincerely,

Shirley Laos  
Governmental Affairs Coordinator



# HUMBOLDT COUNTY SHERIFF'S OFFICE

WILLIAM F. HONSAL, SHERIFF/CORONER

CIVIL COURTS  
(707) 445-7335

MAIN STATION  
826 FOURTH STREET • EUREKA CA 95501-0516  
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES  
(707) 441-5159

June 22, 2018

City Clerk  
City of Trinidad  
Via Email: [cityclerk@trinidad.ca.gov](mailto:cityclerk@trinidad.ca.gov)

Re: Trinidad Tsunami Siren

To Whom it May Concern,

Following consultation with local subject matter experts, the Humboldt County Office of Emergency Services supports the recommendation that the tsunami siren located in Trinidad, on Trinidad Rancheria property, be elevated so that it will be audible to a larger area.

The Humboldt County coastline is at risk for distant source tsunamis from seismic activity in other areas, as well as local source tsunamis generated by a local earthquake. Tsunami sirens are an important and publicly visible part of multiple warning systems for distant source tsunamis. Trinidad's scenic beauty attracts many visitors who may not be familiar with local tsunami zones, and the Trinidad tsunami siren may not be audible to as many beach visitors at its current elevation. Locating the siren at a higher elevation, with the approval of the Rancheria, could enable critical audible tsunami warnings to reach more people in the Trinidad tsunami zone.

Please contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "D. Lanni".

Dorie Lanni  
Emergency Services Manager  
Humboldt County Sheriff's Office of Emergency Services  
Office: 707-268-2527

Cc: Susan Rotwein, City of Trinidad  
Dan Berman, City of Trinidad  
Erik Dunphy, Trinidad Rancheria

MCKINLEYVILLE STATION  
(707) 839-6600

GARBerville STATION  
(707) 923-2761

CORONER'S OFFICE  
(707) 445-7242

ANIMAL CONTROL  
(707) 840-9132

TRINITY RIVER STATION  
(530) 629-1025

# TSUNAMI SIREN INSTALLATION

## TRINIDAD HARBOR & BEACH PROJECT

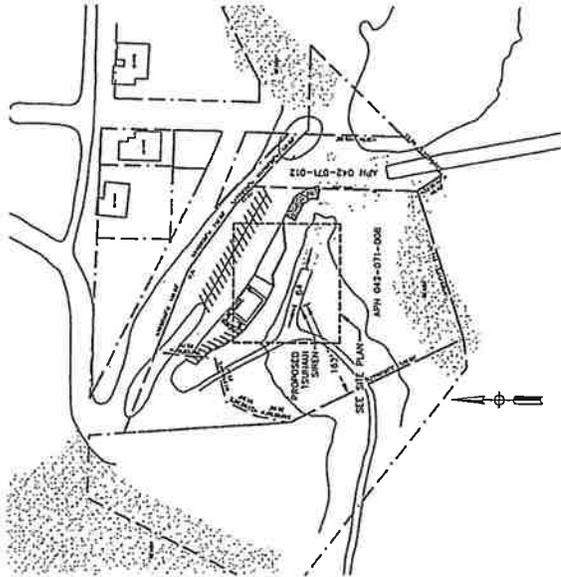
APN 042-071-008 & 012

PREPARED BY:

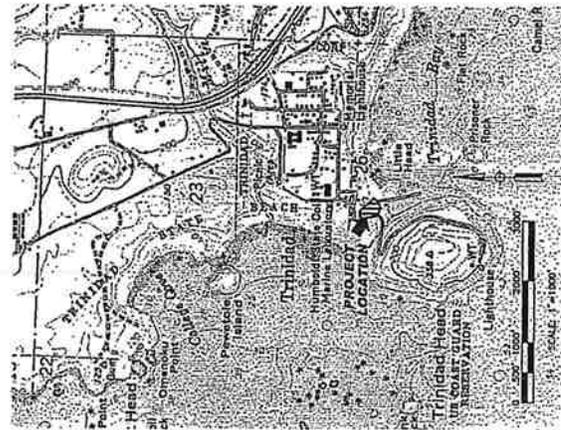
LACO ASSOCIATES

FOR

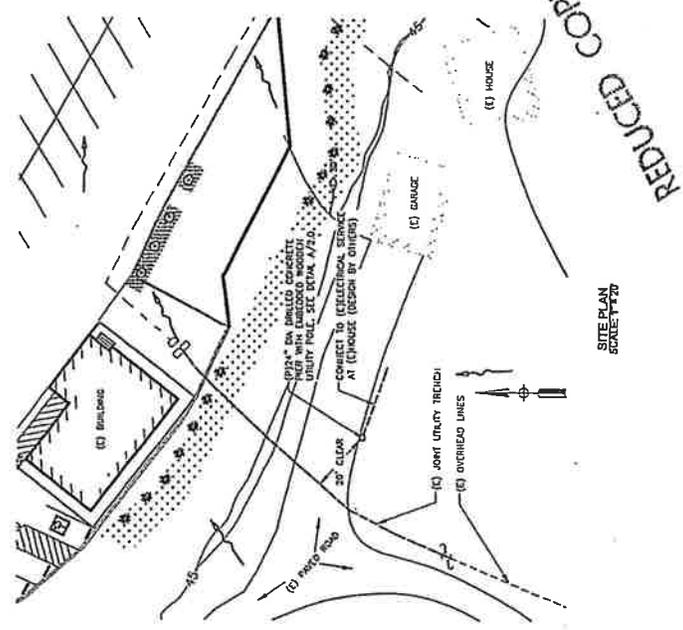
TRINIDAD RANCHERIA



VICINITY MAP  
SCALE: 1" = 100'



LOCATION MAP  
SCALE: 1" = 1000'



SITE PLAN  
SCALE: 1" = 20'

GRAPHING SCALE: MEASURES 1 INCH ON FULL-SIZE PLANS



**LACO ASSOCIATES**  
CONSULTING ENGINEERS  
21 W 4TH ST. EUREKA, CA 95501 (707)443-5054

NO.	REVISION	CHECK	DATE

TSUNAMI SIREN INSTALLATION  
TRINIDAD HARBOR & BEACH PROJECT  
TITLE PAGE AND SITE PLAN  
TRINIDAD RANCHERIA  
APN 042-071-008 & 12

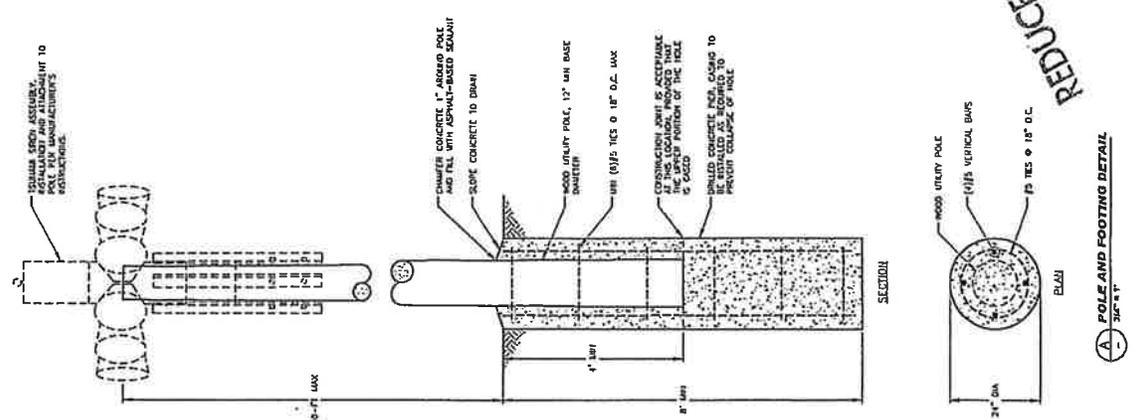
SCALE: AS SHOWN  
DRAWN: NOT  
CHECK: LMO  
APPD: DATE 09/13/17  
JOB NO. 7143.01  
SHEET 1.0



**LACO ASSOCIATES**  
 CONSULTING ENGINEERS  
 21 W 4TH ST. EUREKA, CA 95501 (707)43-5054

NO.	REVISION	CHK	DATE

**TSUNAMI SHIELD INSTALLATION**  
 FOUNDATION PLAN AND NOTES  
 TRINIDAD RANCHERIA  
 AFN 042-071-09, & 12  
 SCALE: AS SHOWN  
 DESIGN: LMD  
 APPROV: LMD  
 DATE: 02/13/11  
 JOB NO.: 2143.01  
 SHEET: 2-0



- GENERAL NOTES**
- ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING CODES (CBC) THIS WORK SHALL BE IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE CONCRETE SHALL BE PERFORMED BY THE CONTRACTOR'S OWNERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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- CONCRETE NOTES**
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1" = 1'-0"  
 ALL DIMENSIONS IN FEET UNLESS OTHERWISE NOTED

**POLE AND FOOTING DETAIL**

REDUCED COPY

# Site Plan

Write a description for your map.

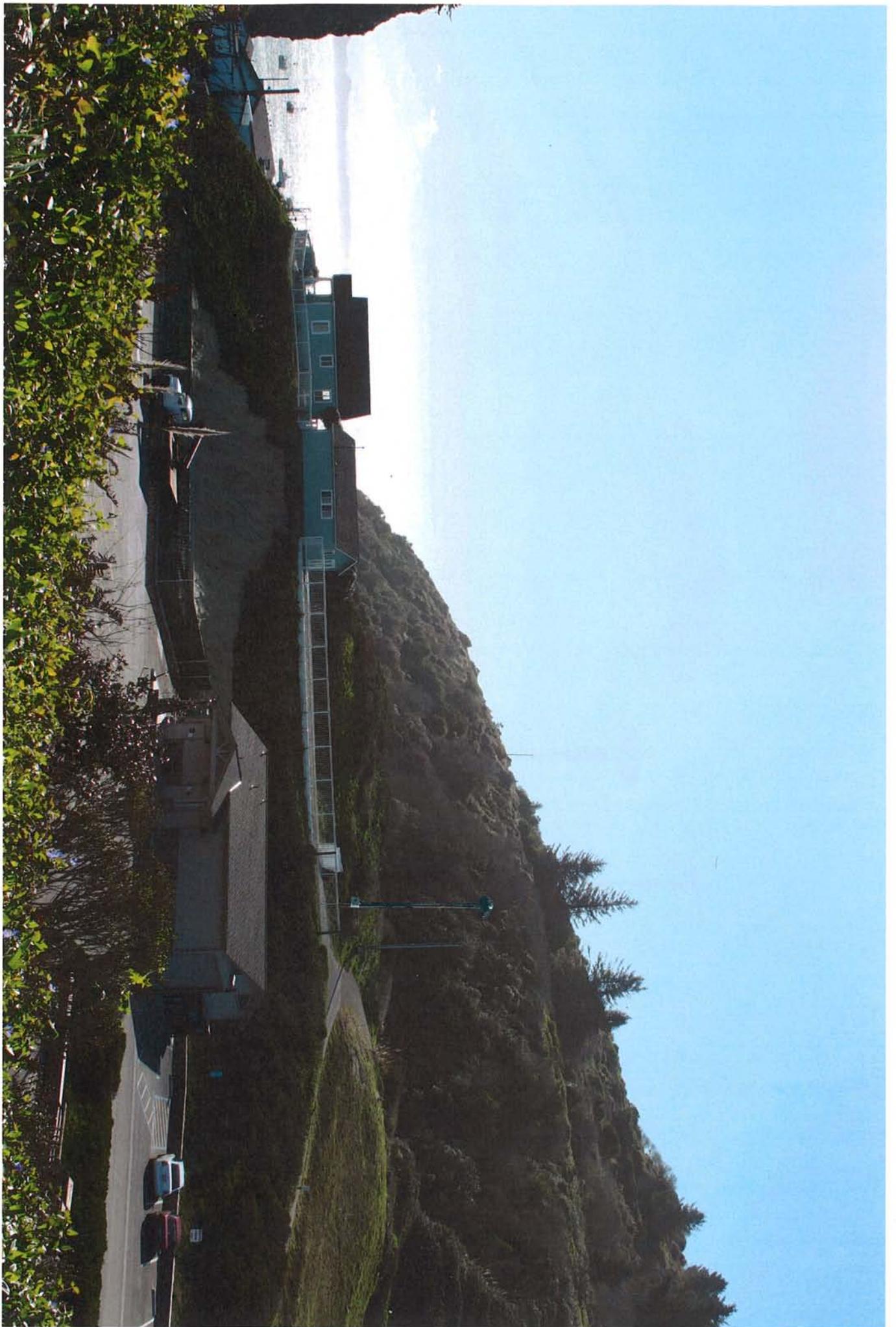
## Legend

-  Seascape Restaurant
-  Siren Location











Filed: October 3, 2018  
Staff: Trever Parker  
Staff Report: November 6, 2018  
Commission Hearing Date: November 13, 2018  
Commission Action:

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

APPLICATION NO.: 2018-10

APPLICANT(S)/OWNER(S): Neal Steinberg and Teal Rocco

AGENT: N/A

PROJECT LOCATION: 723 Van Wycke Street

PROJECT DESCRIPTION: Use Permit and Coastal Development Permit to remove four (4) large (>12" DBH) nonnative Monterey Pines from the property along upper Van Wycke Street. Two (2) other Monterey Pines and one (1) Monterey Cypress on the property will also be trimmed (no permit required).

ASSESSOR'S PARCEL NUMBER: 042-091-003

ZONING: UR - Urban Residential

GENERAL PLAN DESIGNATION: UR - Urban Residential

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 X is ~~is not~~ appealable to the Coastal Commission per the City's certified LCP, and may be appealable per the requirements of Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The site is located on the south (ocean) side of Van Wycke, just east of where the upper portion of the road transitions into the unpaved, narrow trail portion of Van Wycke. The lot is zoned UR – Urban Residential and developed with a single-family residence. The property is located within the Views and Vegetation Overlay Zone. The properties to the south, east and west are zoned OS - Open Space. The properties to the north of Van Wycke are zoned UR. A number of homes, uphill and north / northwest of the property, have views that have been affected by vegetation.

## **STAFF COMMENTS:**

### Overview

This is a separate application from the ongoing View Restoration Permit process regarding these same trees. The new owners have agreed to remove four of the Monterey Pines along Van Wycke, and prune several of the other large trees on the property. Therefore, the neighbors have elected to drop the View Restoration Permit in favor of this one.

### Background

The City has a View Restoration Ordinance, which addresses vegetation that has grown to “unreasonably obstruct” important coastal views from public viewpoints and nearby private property. Property owners whose views have been negatively impacted by neighboring vegetation can apply to the City for a View Restoration Permit (VRP). That process includes several steps, including a requirement for the for the Planning Commission to make specific findings based on factual evidence submitted by both (or all) parties. The complaining party(s) is required to show proof that they tried to work with the vegetation owner to find a solution, prior to applying for the VRP. The first step that the Planning Commission takes in the process is to determine whether the vegetation, in fact, unreasonably obstructs views. Once that has been established, the Planning Commission issues a restoration order as part of the VRP. The VRP process also includes a determination of who is responsible for what costs and requirements for future maintenance. It is a more complicated process than most of Trinidad’s other permit requirements, and it requires the Planning Commission to carefully consider some difficult issues.

For the previous VRP process related to these trees, the Planning Commission had already made the determination that views of neighbors have been unreasonably obstructed. The Planning Commission also had one hearing to discuss restorative action. However, they agreed with staff and requested additional information from the

applicants prior to ordering any specific actions. The City was waiting for the requested information to be submitted prior to continuing the process.

In the meantime, the property sold, and the new owners were willing to work with the neighbors to remove and trim the vegetation. The neighbors (VRP applicants) could have continued the VRP process to ensure that future maintenance was agreed to and made an enforceable part of the VRP. However, they elected to go with the simpler process of dropping the VRP application to allow the new owner to apply for a standard tree removal permit (Use Permit/CDP). Therefore, specific restorative action, costs and future maintenance will no longer be part of the Planning Commission consideration. It is permissible for an applicant to withdraw an application that has been submitted and partially processed by the City; however, the applicants are still responsible for paying the City for the costs of that processing to-date. However, that is a separate issue from the application currently before you.

#### Current Project

According to the application materials, the applicant / property owner is proposing to remove four of the five Monterey Pines growing along Van Wycke Street; the one furthest to the west, and closest to the house, will remain. In addition, two other Monterey Pines and one Monterey Cypress are proposed to be trimmed. However, trimming does not require a permit from the City, so the Planning Commission only needs to consider the removal of the four Monterey Pines as part of this approval.

#### **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 single-family residential development. In the UR zone, removal of trees over 12 in. diameter at breast height (DBH) requires a use permit (§17.32.030). Section 17.32.080 allows the removal of diseased trees, or trees posing an imminent danger to structures or people subject to the approval of the City Engineer. However, these trees do not meet those criteria.

The definition of development, both in the City’s Zoning Ordinance (§17.08.200) and the Coastal Act (PRC §30106) includes “removal or harvesting of major vegetation.” While no definition of “major vegetation” exists in either set of regulations, one of the commonly accepted cut-offs for what constitutes ‘major vegetation’ is 12 in. DBH or larger. Therefore, a Coastal Development Permit is also required for removal of the trees.

No buildings or 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 importance public coastal views from roads, trails and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. These trees have already been determined to be unreasonably obstructing coastal views, and their removal will improve both public and private views of the coast.

The work proposal and estimate included with the application describes cutting the stumps off at ground level, which will avoid any soil disturbance and leaves the root system intact, which can provide stability until other vegetation grows in its place.

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

#### **SLOPE STABILITY:**

The property is mapped as being of “questionable stability” based on Plate 3 of the Trinidad General Plan. However, no soil disturbance is proposed, so no geologic investigation is necessary.

#### **SEWAGE DISPOSAL:**

The residence is served by an existing septic system that will not be impacted by the tree removal. The septic system, including the leachfield, is located to the west of the residence, well away from the trees proposed to be removed. Therefore, this project does not have the potential to impact the OWTS. However, the Monterey Cypress that is proposed to be trimmed is near the leachfield. Although that portion of the project does not require a permit, a condition has been included that the leachfield area needs to be protected from heavy equipment and falling limbs that could compact the soil.

The previous owner submitted all the required documentation for an OWTS permit. Due to site limitations, the OWTS is a nonstandard system, consisting of a recirculating sand filter. Some minor repairs were completed as part of the property transfer per §13.12.400 of the City’s OWTS Ordinance. It was functioning normally at the time the repairs were made in July 2017. The new owners will need to submit a new application questionnaire, and pay the remaining \$50 application fee in order to obtain an OWTS Operating Permit.

## LANDSCAPING AND FENCING:

No new landscaping or fencing is proposed. Because the trees are nonnative, they do not provide significant habitat value. It is well outside any nesting season, so removal of the trees will not impact any active nests.

## 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 17.32.030 requires a use permit for large tree removal, and § 17.72.040 requires written findings to be adopted as part of the 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 four large pine trees from a residentially zoned property. The trees are non-native and have been determined to unreasonably block coastal views of the neighbors. Therefore, their removal is 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: Tree removal is proposed to be conducted by a professional and certified arborist. Their removal is not anticipated to cause any hazards. The wood and vegetation will be disposed of off-site at an appropriate location.
  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 permanently affect traffic or parking. An encroachment permit will be required for any tree

removal activities that require use of a public right-of-way, which will ensure temporary traffic impacts are 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 emissions. A small amount of dust could occur during tree removal activities.*
  4. *Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs; Response: 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 these trees is exempt from CEQA per § 15304 of the CEQA Guidelines exempting minor alterations to land, water and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The four trees proposed for removal are not scenic, and do not provide significant habitat value.*
- 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 located between the sea and the first public road, therefore the following findings are applicable.*
1. *The development provides adequate physical access or public or private commercial use and does not interfere with such uses. Response: The tree removal will not affect public access. The Van Wycke Trail will likely need to be closed during tree removal activities for public safety reasons. But due to the poor condition of the trail users are advised to use an alternative route anyway. No public access currently exists through the property, but it is also not practical due to the topography and slope instability. In addition, nearby access exists.*

2. *The development adequately protects public views from any public road or from a recreational area to, and along, the coast.* Response: The trees have been determined to be unreasonably blocking coastal views. They are not scenic. Their removal will improve public and private views.
3. *The development is compatible with the established physical scale of the area.* Response: The trees are out of scale with the neighborhood, forming a solid wall of vegetation larger than the adjacent residences. Therefore, their removal will be compatible with the physical scale of the area.
4. *The development does not significantly alter existing natural landforms.* Response: No soil disturbance will occur as a result of tree removal.
5. *The development complies with shoreline erosion and geologic setback requirements.* Response: The trees are within an area of known geologic instability. However, their specific location is within a relatively stable area, well away from the bluff edge. No soil disturbance will occur.

#### **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 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 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. *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 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. 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.*
4. Tree removal shall occur in a manner that does not disturb the soil. The stump may be ground down to ground level, but the stump and roots below that will be left in place. *Responsibility: City Clerk to verify after tree removal.*
5. Tree trimming activities will be conducted in a manner that will not impact the leachfield. Care shall be taken to ensure heavy equipment and waste material does not cause compaction of the soil. *Property owners to ensure during tree removal activities.*

**ATTCHMENTS**

- Work Plan
- Site Plans (2)

On Feb 20, 2018, at 7:58 AM, Trinidad Tree Service <trinidadtreeservice@gmail.com> wrote:

Trinidad Tree Service  
398 Old Wagon Rd  
Trinidad CA. 95570  
707-832-3086  
trinidadtreeservice@gmail.com

723 Van Wycke St.  
Trinidad CA 95570

**Work to be performed**

- Remove 4 Monterey pines along Van Wycke St. Cutting stumps to ground level.
- Remove broken and select outer limbs on Monterey pine along outer bluff edge
- Thin and reduce Monterey cypress along western edge of house.
- Haul and dump all materials.

- Estimated time and cost

6 days @ \$175.00/hour  
(myself, 3 ground-men and all equipment included)

- Labor: \$6300.00

-Wes Green dump fees: \$255.00

**Total Estimated Cost**

\$6,555.00

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Merlin Sabo  
ISA Certified Arborist  
#WE-9297A  
trinidadtreeservice@gmail.com  
(707) 832-3086

Assessor's Map Bk. 42, Pg. 9  
 County of Humboldt, CA.

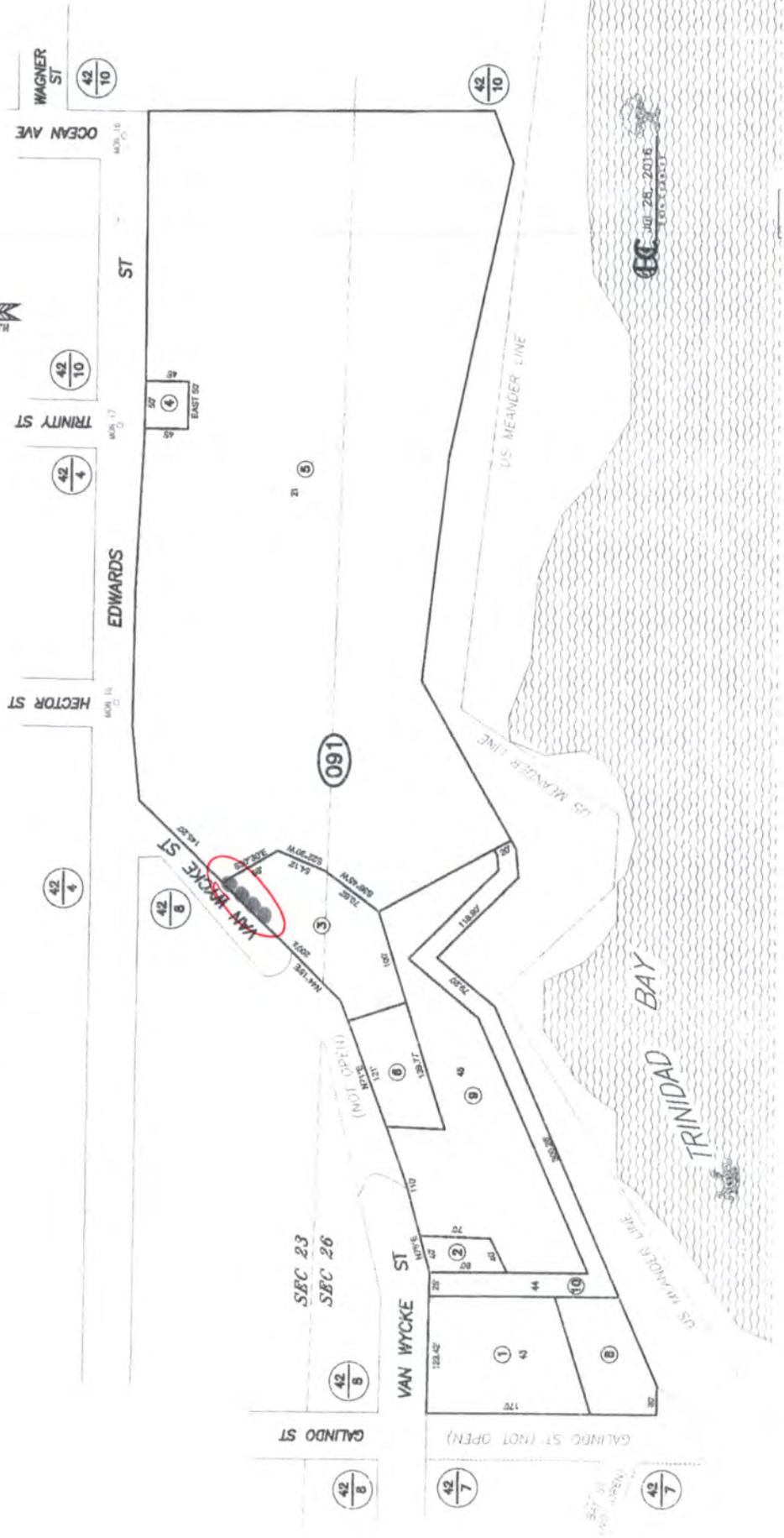
TOWN OF TRINIDAD

42-09

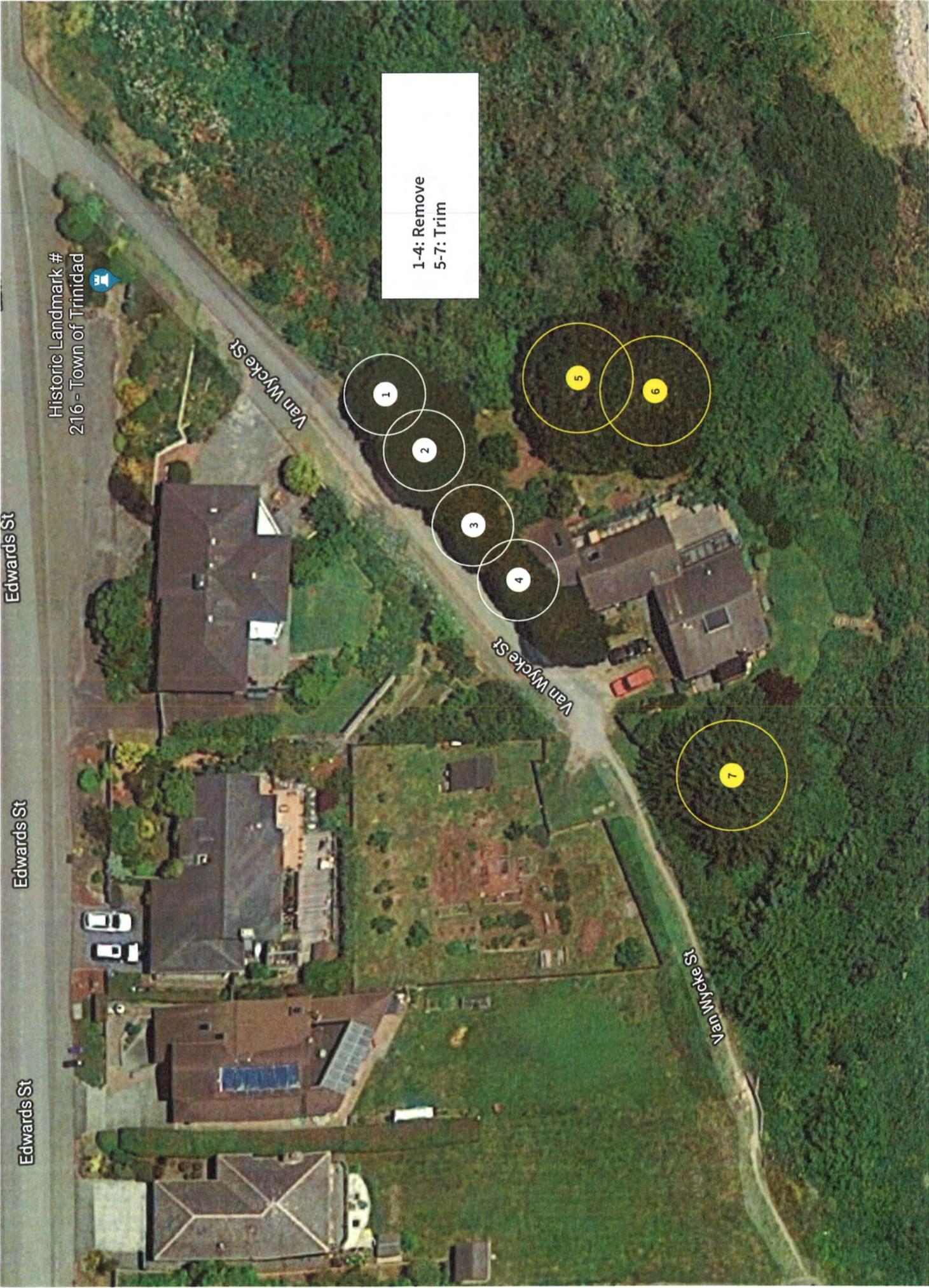


NOTE - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Small Circles

RS, Bk 19 of Surveys, Pg 125 & 126  
 RS, Bk 51 of Surveys, Pg 83  
 RS, Bk 58 of Surveys, Pg 48



42 JUL 26, 2016  
 LOS ANGELES



Edwards St

Edwards St

Edwards St

Historic Landmark #  
216 - Town of Trinidad



Van Wyke St

Van Wyke St

Van Wyke St

1-4: Remove  
5-7: Trim

