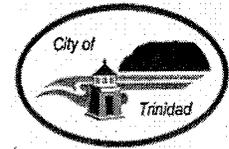


TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Steve Ladwig, Mayor
Gabriel Adams, City Clerk



Posted: Friday, August 14, 2020

NOTICE AND CALL OF A SPECIAL MEETING OF THE
TRINIDAD TRAILS COMMITTEE

The Trinidad City Council Trails Advisory Committee will meet on
TUESDAY, AUGUST 18, 2020 at 5:00 PM
By Video/Audio Conference, hosted on the Cisco Webex Platform

In accordance with Executive Order N-29-20 this meeting will be held via videoconference, and will be hosted on the Cisco Webex Platform. Learn more about Webex here: <https://www.webex.com/>

PUBLIC COMMENT: Public comment may be submitted via email in advance of the meeting, or accepted in an orderly process during the conference. If you do not have access to the internet and would like to provide a written statement, please deliver your comment to 409 Trinity Street, Trinidad CA, by 2:00pm, Thursday, April 30, 2020. Email to azetter@trinidad.ca.gov Comments will be accepted during the meeting, and included in the public record.

HOW TO PARTICIPATE: The meeting link and participant code is located on the calendar page of the City Website: <https://trinidad.ca.gov/calendar> Click on the appropriate date to access all the information.

- I. CALL TO ORDER/ROLL CALL
- II. APPROVAL OF MINUTES – 05/27/2020
- III. ITEMS FROM THE FLOOR
- IV. STAFF/COUNCIL REPORTS
- V. COMMITTEE MEMBER REPORTS
- VI. DISCUSSION/ACTION ITEMS
 1. Discussion/Action: Recommendation for the Temporary Closure of a Portion of the Van Wycke Trail Due to Hazardous Conditions.
 2. Discussion/Action: Discussion Regarding Galindo Street Trail.
- VII. REQUEST FOR FUTURE ITEMS
- VIII. ADJOURNMENT

Angela Zetter
Trinidad Administrative Assistant

APPROVAL OF MINUTES FOR:

MAY 27, 2020

Supporting Documentation follows with:

4 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD TRAILS COMMITTEE
WEDNESDAY, MAY 27, 2020 VIA WEBEX

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

Committee Members Present: Davies, Kelly, Kenny, Morehead
Alternate Committee Members Present: Laos, West
Committee/Alternate Members Absent: Brown, Clayburn, Myers
City Staff: Zetter

II. APPROVAL OF MINUTES

April 30, 2020

Motion (Kenny/Laos) to approve the April 30, 2020 minutes as amended. Passed (5-0). Passed unanimously.

Update – Axel Lindgren to Van Wycke

III. ITEMS FROM THE FLOOR

Written comments received from J. Beaupre (Trinidad). *Included in public comment section of the relevant agenda item.*

IV. STAFF/COUNCIL REPORTS

City Council member and Committee Chair Davies advised that at the special City Council meeting the week prior, the Council extended the Sheriff's contract, recognized the former City of Trinidad Public Works Director Bryan Buckman for 20 years of service, and rejected the MOU proposed between the Trinidad Rancheria and City of Trinidad.

V. COMMITTEE MEMBER REPORTS

Committee member Kenny discussed parking on Parker Creek Drive, stating the Trails Policy needs to be in line with the City's parking rules and regulations. City Council member West advised that City Manager Naffah is going to check on the parking rules and regulations. Planning Commissioner Kelly stated that she exchanged emails with Committee member Morehead regarding the physical state of the Parker Creek Trail, and possible options to mitigate the problems.

VI. DISCUSSION/ACTION ITEMS

1. Discussion/Action: Review Draft Trails Policy Before Submitting to Planning Commission.

Committee Discussion

Davies briefly discussed trail closure policy. The Committee reviewed the policy and made the updates as follows:

- Added a footnote to "Any new⁸ public access designation will be consistent with historical...natural resources." (page 4)
- Changed "The City holds discretionary power to authorize, limit, or otherwise...local and state governments" to The City shall act in compliance with the California Coastal Act and

the City's Local Coastal Program (LCP) to authorize...local and state governments.” (page 4)

- Changed “Any additions, restrictions, or amendments to this public access policy *must* adhere to public input procedures... (CA Government Code § 54950-54963)” to “Any additions, restrictions, or amendments to this public access policy *will follow the Standards of the California Coastal Act, and* adhere to public input procedures...(CA Government Code § 54950-54963).” (page 4)
- Changed “A formal decision to amend this public access policy *or to permanently or periodically close any trail will be posted at City Hall and on the City's public website*” to “A formal decision to amend this public access policy *will be posted at the City Hall and on the City's website. Also, any formal decision to permanently or periodically close any trail will be consistent with the California Coastal Act, and be publicly noticed to be consistent with the public appeals process.*” (page 4)
- Changed “The City recognizes the importance of maintaining public access to the Trinidad trails system *within City limits and along the coastline*” to “The City recognizes the importance of maintaining public access to the Trinidad Trails System *in accordance with the California Coastal Act.*” (page 6)
- Removed “The City of Trinidad may temporarily close or re-route trails, ~~*at its sole discretion,*~~ for biological or management purposes.” (page 7)
- Changed “The City *will* establish a list of trail-use...cultural resources” to “The City *should* establish a list of trail-use...cultural resources.” (page 8)
- Changed to include the Trinidad Coastal Land Trust “Trinidad shall strive to coordinate trail design...private landowners, Trinidad Rancheria, *Trinidad Coastal Land Trust*, California State Park Service...(BLM).” (page 8)
- Added “As trails stewards, the City is responsible for ensuring *public access and* the viability of trails long into the future.” (page 9)
- Changed “Trail brushing may be performed annually *beginning in the late spring* to allow access to entire trails” to “Trail brushing may be performed annually, *or as needed,* to allow access to entire trail. (page 9)
- Added “Trinidad trails include multiple Environmentally Sensitive Habitat Areas (ESHA) and should be maintained and operated according to relevant management plans within the California Coastal Act, Local Coastal Program, Trinidad Head Management Plan, and Tsurai Management Plan.” (page 10 – above maintenance schedule table)
- Updated “Routine vegetation inspection and management (*including* weed control, pruning, etc.)” to “Routine vegetation inspection and management (*including* weed control, pruning, etc.)” in the Maintenance Schedule section. (page 10)
- Changed “Monthly (Apr-Oct, Bi-monthly (Nov-Mar)” to include “*refer to page 9*” in the Maintenance Schedule section. (page 10)
- Added “Prior to beginning any trail construction or maintenance project, employees shall be provided training covering proper construction and/or maintenance techniques, *and to protect environmental and cultural resources.*” (page 10)
- Changed “Primary and Secondary Trails to Indian Beach...conditions of approval” to “Primary and Secondary Trails to Indian Beach “*Old Home Beach*” ...conditions of approval.” (page 11)
- Changed “Regulatory: Signs at each trailhead and major access points *will* describe...enforcement authority” to “Regulatory: Signs at each trailhead and major access points *should* describe...enforcement authority.” (page 11)
- Changed “Warning: Signs warning of general hazards...*will* be placed at each trailhead” to “Warning: Signs warning of general hazards...*should* be placed at each trailhead.” (page 12)

- Added bullet point “Fences or other obstructions will not impede or prevent passage on the trail.” (page 12)
- Added bullet point “Projects must consider “historical resources” as an aspect of the environment in accordance with California Environmental Quality Act (CEQA) Guidelines section 15064.5. These cultural features can include Native American graves and artifacts; traditional cultural landscapes; natural resources used for food, ceremonies or traditional crafts; and places that have special significance because of the spiritual power associated with them. When projects are proposed in areas where Native American cultural features are likely to be affected, a Certified Cultural Monitor must be present during ground disturbing activities to ensure the protection of cultural resources. Any trails projects must coordinate with the Cultural Monitoring protocols of the City of Trinidad and local Tribal Historic Preservation Officers.” (page 14)
- Added bullet point “Environmentally Sensitive Habitat Areas will be considered in the development of any trails.” (page 14)
- Added “The City of Trinidad will inventory hazards; assessing environmental and construction mitigation to minimize risks to trail users. Prior to any change to the trails system (i.e. closing, development, etc.) the City will follow the Coastal Development Permit process. Changes to principally permitted uses are appealable through the Coastal Commission Permit Appeal Process.” (page 15)
- Changed “All trails are “Use at Own Risk”. to “All trails are “Use at Own Risk. ” (page 15)
- Removed “dbh” means the diameter... [Ord. 166 Appx. A, 1979].”
- Removed “Mass wasting” which is sometimes called...on this large of a scale.” (pages 17-18)
- Removed “Person” means any individual, public, or... [Ord. 166 Appx. A, 1979]” (page 17)
- Removed “Structure” means anything constructed... [Ord. 166 Appx. A, 1979].” (page 18)
- Removed footnotes “Trail Tread⁷” and “Cross slope⁹” (page 20)
- Added to the vision/mission statement: The Committee’s purpose is to guide the City of Trinidad in the prudent preservation and maintenance of the pedestrian trail system in and around Trinidad. To guide the City of Trinidad in the further acquisition of land partnerships to expand and connect the pedestrian trail system throughout the City and its surroundings.
- Added to reference section: The Committee members have reviewed and used the following documents for the basis of discussion and recommendations:
 - Current General Plan 1980, policy 64
 - Draft Trinidad Trails Plan 2001 – General Plan Update
 - Draft Conservation Open Space and Recreation Element
 - Draft Circulation Element
 - 2011 Trinidad Head Trail Vegetation Management Guidelines
 - 2011 Trinidad Head Trail Vegetation Staff Report
 - 2011 Trinidad Head Vegetation Management Memo – Coastal Commission
 - Trinidad Recreation and Trails Map from General Plan
 - Various policy and procedures on pedestrian trails from other cities and entities

The Committee agreed by acclamation to include the Trails Committee’s recommendations to the City Council on the 2nd quarter agenda. 1) The Trails Committee recommends that the City Council adopt an annual inventory of the City’s trails using the Committee’s monitory trail reports and prioritize maintenance for the following year and prioritize a budget for it. 2) The Trails Committee recommends to the City Council that all trail heads need signage, repairs, maintenance, or replacement within a year. Including that the trail head signage be the last priority to repairs, maintenance, and replacement. The Axel Lindgren Trail is the number one priority, followed by Trinidad Head Trail and signage for accessible trails. 3) The Trails Committee recommends that the

City adopt and overall trails policy that would include maintenance, signage, restrictions, safety, construction standards, oversight, and landowner issues.

Public Comment

J. Beaupre (Trinidad resident) submitted a written comment regarding parking on Parker Creek Drive. He noted that page 6 of the draft Trinidad Trails Policy states no parking on Parker Creek Drive for trail use.

Committee Discussion

City Council member West questioned what has to happen if the City Manager needs to close a trail in an emergency. City Council member Davies advised that the City Manager need to get a CDP in order to close a trail, but further stated that the City Manager would need contact the CCC to confirm on how to address an emergency closure.

Motion (Kenny/Laos) that all of the changes made to the draft Trinidad Trails Policy be incorporated and forwarded to the Planning Commission. Passed (5-0). Passed unanimously.

VII. REQUEST FOR FUTURE ITEMS .

- Axel Lindgren
- Trail Signage
- Parking/signage – Parker Creek Drive

VIII. ADJOURNMENT

Meeting adjourned at 6:31 pm. Next meeting scheduled for August 18th at 5:00 pm.

Submitted by:

Angela Zetter
Administrative Assistant

Approved by:

Tom Davies
Council Member



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION ATTACHED

1. Discussion/Action: Recommendation for the Temporary Closure of a Portion of the Van Wycke Trail Due to Hazardous Conditions.
 - Public Records Request – Van Wycke Trail Closure (9 pages)
 - 2020-01 (July 2020) Staff Report – Coastal Development Permit for the temporary closure of a portion of the Van Wycke Trail due to unsafe conditions (6 pages)
 - Public Comments (July 2020) in response to CDP 2020-01 Temporary Closure of the Van Wycke Trail (6 pages)
 - California Coastal Commission staff correspondence in regards to Trinidad Trail Closure and Parking (2 pages)
 - 2020-01 (August 2020) Staff Report – Coastal Development Permit for the temporary closure of a portion of the Van Wycke Trail due to unsafe conditions (25 pages)



To: **Kathleen Lake**
P.O. Box 1164
Trinidad, CA 95570

Date: Monday, July 13, 2020

From: Gabriel Adams, City Clerk

Re: **Public Records Request – Van Wycke Trail Closure**

The City has received your July 11, 2020 email request for records relating to proposed closure of the Van Wycke Trail.

Your request involves coordination with several City staff members and may take approximately 2 weeks to complete. We will, however, begin immediately and provide readily available documents to you on a rolling basis with the goal of fulfilling the request in a shorter period of time.

Gabriel Adams
Trinidad City Clerk
707.677.0223

Trinidad City Clerk

From: Trinidad City Clerk <cityclerk@trinidad.ca.gov>
Sent: Monday, July 27, 2020 12:47 PM
To: 'Kathleen Lake'
Subject: FW: Closed Trail at 797 Edwards St

Kathleen,

In reference to your July 13 records request, there are 2 documents that match your request;

1. The email City Manager Naffah forwarded to you regarding the City's Insurance provider's (PARSAC) assessment of the trail hazard.
2. The email below between Naffah and Councilmember Grover.

There are no records on file with correspondence between the City and the Coastal Commission regarding a proposed closure of Van Wycke Trail.

Let me know if you have further questions, otherwise this message shall conclude the City's response to your request.

Gabriel Adams
Trinidad City Clerk
707.677.0223
www.trinidad.ca.gov

From: citymanager@trinidad.ca.gov <citymanager@trinidad.ca.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: dgrover@trinidad.ca.gov
Cc: 'Trinidad Clerk' <cityclerk@trinidad.ca.gov>
Subject: RE: Closed Trail at 797 Edwards St

Dave:

Our Insurance Company suggested the signs and felt that we are covered with them. I will discuss with public works to see how they can address the trail. We may need to reach out to the Tsurai as well depending on the fix, especially if materials are involved.

Thanks for bringing it to my attention,
Eli
Eli Naffah
City Manager
City of Trinidad

From: dgrover@trinidad.ca.gov <dgrover@trinidad.ca.gov>
Sent: Thursday, March 26, 2020 1:30 PM
To: citymanager@trinidad.ca.gov
Cc: Trinidad Clerk <cityclerk@trinidad.ca.gov>
Subject: Closed Trail at 797 Edwards St

ATT: Eli Naffah
RE: Closed Section of Trail

Hello Eli!

As you are well aware, the section of trail at 797 Edwards St. has become very dangerous for ANY kind of pedestrian use. Though there are small signs at each end of this section that say, "closed", they are rarely heeded to. I've spoken with Mayor Ladwig and he agrees that I ask you to direct public works to address this as soon as possible. I can easily prescribe a fix which will ultimately prohibit use, and save Trinidad from a potential law suit. Due to the sense of urgency, which I can elaborate on to some extent, I am willing to fix it myself should the city "ok" me doing so via T & M (time and materials), but am under the assumption our public works employees are still active despite the CORVID-19? Thank you and I look forward to your response!

Sincerely,
Councilmember Grover
(707) 630-2602

Trinidad City Clerk

From: Kathleen Lake <klakeslp@gmail.com>
Sent: Saturday, July 11, 2020 4:07 PM
To: citymanager@trinidad.ca.gov
Cc: cityclerk@trinidad.ca.gov
Subject: Public Records Request for Van Wycke Trail Closure

City Manager,

I am making the following public records request regarding the proposed closure of the Van Wycke Trail.

- 1) Letter from the insurance company stating that they have requested that the trail be closed.
- 2) Any and all correspondence, digital and not digital, from the homeowners, residents, or property managers either adjacent to Van Wycke St. or the Van Wyke trail regarding the proposed closure concerning the trail or requests to close the trail.
- 3) Any and all correspondence between the Trinidad City Staff and the California Coastal Commission regarding the proposed closure of the Van Wycke trail, digital and non digital.

Thank you,

Kathleen Lake

Trinidad City Clerk

From: Trinidad City Manager <citymanager@trinidad.ca.gov>
Sent: Wednesday, July 15, 2020 1:47 PM
To: azetter@trinidad.ca.gov
Cc: 'Trinidad Clerk'
Subject: RE: FW: Trinidad risk assessment re: Van Wycke Trail
Attachments: PARSAC Report 2018 re Trails.docx

Angela:

You are correct. I actually had prepared a summary yesterday (see attached), but in my zealously to answer Kathleen's email (and parties she referred to in her comments) I forwarded PARSAC's email.

Eli

Eli Naffah
City Manager
City of Trinidad
(707) 677-3876
P. O. Box 390
Trinidad, CA 95570

From: azetter@trinidad.ca.gov [mailto:azetter@trinidad.ca.gov]
Sent: Wednesday, July 15, 2020 1:10 PM
To: Trinidad City Manager
Cc: Trinidad Clerk
Subject: RE: FW: Trinidad risk assessment re: Van Wycke Trail

Hello Eli,

I'm just curious if this should have been sent to members of the public as it is privileged and confidential information? I'm just asking because it says it at the top.

Sincerely,

Angela Zetter
Administrative Support
City of Trinidad
PO Box 390
409 Trinity Street
Trinidad, CA 95570
707.677.0223
www.trinidad.ca.gov

----- Original Message -----

Subject: FW: Trinidad risk assessment re: Van Wycke Trail
From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
Date: Wed, July 15, 2020 12:57 pm

To: <ckelly@trinidad.ca.gov>, <dstockness@trinidad.ca.gov>, <rjohnson@trinidad.ca.gov>, <tomh@westcoastwindow.net>
Cc: "Steve Ladwig" <sladwig@trinidad.ca.gov>, "Jack West" <jwest@trinidad.ca.gov>, <tdavies@trinidad.ca.gov>, "dgrover" <dgrover@trinidad.ca.gov>, "Richard Clompus" <rclompus@mac.com>, "Kathleen Lake" <tomkat4@suddenlink.net>, "Kim Tays" <ktays@suddenlink.net>, "Ted Pease" <tedpeasemedia@gmail.com>, "Gabe Adams" <cityclerk@trinidad.ca.gov>, <azetter@trinidad.ca.gov>

Planning Commissioners and Trever:

Attached is a copy of the Risk Assessment Report of PARSAC (the City's insurance pool). On June 24, 2019, Kin Ong, the General Manager of PARSAC, visited the City. After a discussion in my office, he asked me to join him to see two areas of concern that needed attention. He took me to the Van Wycke Trail and identified that it needed to be closed, with signage and a chain, rope or barricade. He also took me to the Axel Lindgren Trail and identified that proper warning signs needed to be posted. He said that he would send appropriate wording for the signage to Public Works. Kin made the call re: the trails, I did not. The month before his visit I attended the PARSAC biannual board meeting where millions of dollars in lawsuits against various cities were addressed. The fact that Trinidad has a favorable rating with minimal claims over the years is trend that needs to be continued. We cannot expose the City to lawsuits that our insurance would not cover.

The verbiage from the attached report that relates to city trails in general and the Van Wycke Trail in particular follows:

From page 4, Executive Summary of report:

General liability claims also poses a significant risk exposure for the City. The City of Trinidad is small, both in terms of population and geography; however, it has many of the same general liability risk exposures of larger cities. This includes exposures related to sidewalk liability, urban forest management, and contractual transfer of risk. Some exposures that are unique to Trinidad are its scenic coastline and its many natural trails that bring visitors to the area. Many of the trails observed during the visit were in poor condition. While signage was posted to warn walkers of potential hazards, the City will need to work with PARSAC to ensure that City is able to maintain "trail immunity" in the event a claim is presented against the City.

From page 6, Critical Findings and Recommendations of report:

Van Wycke Trail

The Van Wycke is a very short trail that has received grant funding to convert the trail into a pedestrian and bicycle connector trail. Several portions of the trail have experienced severe erosion and present a significant fall hazard, as the trail is at the edge of a bluff. Although the City has put up warning signs indicating that the bluff is unstable, based upon its current condition the trail should be closed until permanent repairs are made. A chain or other type of barricade with signage indicating that the trail is closed should be installed.

I will be present at the meeting tonight to help answer any questions.

Thank you for your service,

Eli

Eli Naffah

City Manager

City of Trinidad

(707) 677-3876

P. O. Box 390

Trinidad, CA 95570

From: Kin Ong [<mailto:kong@parsac.org>]

Sent: Tuesday, July 14, 2020 12:10 PM

To: 'Eli Naffah'

Subject: FW: Trinidad risk assessment

Eli, here is the risk assessment report. Please refer to page 6 regarding the Van Wycke Trail. Give me a call if you have questions. Thanks.

Risk Management Assessment Report

Presented to

City of Trinidad

December 10, 2018

From page 4, Executive Summary of report:

General liability claims also poses a significant risk exposure for the City. The City of Trinidad is small, both in terms of population and geography; however, it has many of the same general liability risk exposures of larger cities. This includes exposures related to sidewalk liability, urban forest management, and contractual transfer of risk. Some exposures that are unique to Trinidad are its scenic coastline and its many natural trails that bring visitors to the area. Many of the trails observed during the visit were in poor condition. While signage was posted to warn walkers of potential hazards, the City will need to work with PARSAC to ensure that City is able to maintain "trail immunity" in the event a claim is presented against the City.

From pages 5-6, Critical Findings and Recommendations of report:

Critical Findings and Recommendations

Critical findings are those areas in which we feel that the City can have the greatest impact on its safety and risk control program.

Trail Access and Trail Immunity

The City has several trail systems that are used frequently by both local residents and tourists. The condition of many of the trails that were observed during the visit was poor and with limited signage to warn of potential hazards. Although the City may have trail immunity under California Government Code 831.4, which shields public entities from liability when injuries are suffered by those using public property for recreational purposes, the City should take reasonable care to prevent injuries and provide notice of potential hazards to visitors.

Axel Lindgren Memorial Trail

The sign posted at the trailhead of the Axel Lindgren Memorial Trail is not adequate to warn users of potential hazards. The sign was printed on standard size paper, protected by a plastic cover sheet, and posted on a temporary traffic barricade. The wording on the sign states "WARNING UNSTABLE TRAIL USE AT YOUR OWN RISK". Additionally, the warning sign is much smaller than the sign regarding "No Fires or Fireworks Permitted", which diminishes the warning signs importance.

A warning sign must be clearly visible and large enough to be noticed immediately. Additionally, the sign should include specific hazards of using the trail. PARSAC recommends that a sign stating the following should be posted at the trail entrance:

WARNING

Watch for hazards

including steep grade, uneven surface, unstable soil, and tripping hazards.

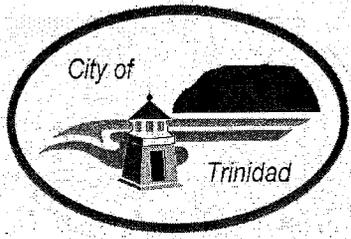
USE AT OWN RISK

The sign and font size should follow industry standards for warning signs and be legible from a distance of 25 feet. Similar signs should be posted for other City owned trails indicating the specific hazards of those trails.

The trail itself also has several tripping hazards that are mainly due to the prior improvements to the trail falling in disrepair. This includes several areas where the wood has worn down with rebar poking out and other areas where a steel cable is exposed. The area above the trail, near the original landing for the lighthouse, also has loose planks and exposed rebar. As these improvements are not natural conditions of the trail, the trail should be closed until repairs are made.

Van Wycke Trail

The Van Wycke is a very short trail that has received grant funding to convert the trail into a pedestrian and bicycle connector trail. Several portions of the trail have experienced severe erosion and present a significant fall hazard, as the trail is at the edge of a bluff. Although the City has put up warning signs indicating that the bluff is unstable, based upon its current condition the trail should be closed until permanent repairs are made. A chain or other type of barricade with signage indicating that the trail is closed should be installed.



Application Filed: NA
Staff: Trever Parker
Staff Report: July 6, 2020
Commission Hearing Date: July 15, 2020
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2020-01

APPLICANT / OWNER(S): City of Trinidad

AGENT: NA

PROJECT LOCATION: Unpaved section of the Van Wycke Trail between Edwards Street and Galindo Street

PROJECT DESCRIPTION: Coastal Development Permit for the temporary closure of a portion of the Van Wycke Trail due to unsafe conditions

ASSESSOR'S PARCEL NUMBER: NA (Van Wycke Street right-of-way)

ZONING: NA

GENERAL PLAN DESIGNATION: NA

ENVIRONMENTAL REVIEW: Categorically Exempt per § 15304 of the CEQA Guidelines exempting minor alterations of land, including temporary use of land having negligible or no permanent effects on the environment.

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 location is within the unpaved portion of the Van Wycke Street right-of-way where a wooden retaining wall that supports a portion of the Van Wycke Trail is failing due to an active landslide. The site is located on the top of the bluff, approximately half-way between Galindo and the intersection of Edwards Streets with upper Van Wycke Street, about 300' east of Galindo. There is a "slump earthflow" in this area that is slowly and continually moving downslope, that has compromised the integrity of the retaining wall and the trail beyond simple repairs and maintenance.

Bluff instability has led to the need to stabilize the Van Wycke Trail, which connects the upper and lower portions of Van Wycke Street. This trail connects the two sections of Van Wycke Street, and provides a safe path for non-motorized traffic to reach Trinidad Head and Trinidad State Beach while avoiding this section of Edwards Street, most of which lacks shoulders or sidewalks and has steady vehicular traffic. The trail is perched along the upper edge of a steep slope and significant earth movement has occurred in places, resulting in the City having to close the trail. A wooden retaining wall built to stabilize the worst section has been gradually torn apart over the last 10 years by the hillside's movement. The worst stretch has sunk more than five feet in just the last few years. At the east end, the concrete encasing the City's stormdrain is serving as the trail surface.

Land uses adjacent to the project include residences upslope and open space downslope. Launcher Beach is located below the bluff.

STAFF COMMENTS:

The CDP is for temporary closure of the trail for up to two years, with an option to extend that time period for a year, in order to allow the City to seek funding to either repair the trail or develop options for alternative access. Should the City decide to permanently close the trail, another CDP would be required in addition to an LCP Amendment.

The City has previously put up signage warning the public that the trail is unsafe, and use was at their own risk. On the request of the City's insurance company, City staff put up signs closing the trail more than a year ago due to the unsafe conditions. Coastal Commission staff since informed the City that the temporary trail closure requires a Coastal Development Permit (CDP). Trail closure, even temporary, falls under the definition of "development," which includes "change in the ... intensity of use of land." Therefore, the City is processing this CDP in order comply with requirements of the Coastal Act.

The closure includes small signs mounted on t-posts, less than 2 sq. ft. in size, warning people that the trail is closed. Ropes have been mounted on t-posts across the trail at each end in order to further discourage usage. Currently, there is orange snow-fencing across the trail as well. This fencing was placed more for the COVID trail restrictions than the safety issue, because people were still using it. However, that fencing was not intended to last more than a few months and has already been compromised by vandals. This CDP does not authorize the continued placement of the snow fencing, and it will be removed.

Potential Conflicts of Interest

There are no known conflicts of interest.

ZONING ORDINANCE / GENERAL PLAN CONSISTENCY

The proposed project is located within the undeveloped portion of the Van Wycke Street right-of-way, and therefore has no zoning associated with the property. The land immediately north of the project is zoned Urban Residential (UR) and the land immediately south is zoned Open Space (OS).

The City's zoning ordinance does not include required findings for projects that require a CDP but no other type of planning approval such as Design Review. Therefore, overall consistency with the City's LCP and Coastal Act have been considered.

The Van Wycke Street Trail is an important and heavily used part of the City's trail system laid out in the 1978 General Plan and is shown on the Circulation Map (Plate 4). Policy 64 of the Trinidad General Plan requires that the trail system be marked and maintained for use by the public. This project is consistent with that requirement, because the closure is only temporary while the City investigates options to improve the trail or provide alternative access.

Policy 5 of the Trinidad General Plan states that: *"Where access trails must traverse steep slopes, they should be located away from unstable areas and improvements should be provided to minimize erosion and slope failures. Existing trails which are creating these problems should either be improved or closed."* The project is consistent with this policy.

In terms of the Coastal Act, the primary standard of review for this project is whether it is consistent with the public access policies of the Coastal Act (Chapter 3).

One of the primary purposes of the Coastal Act is to *"Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principals and constitutionally protected rights of private property owners."* (§ 30001.5), which also carries out a similar principal found within the CA

Constitution. Section 30210 states: *"In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."* The project is consistent with these sections, because the trail currently poses a risk to public safety and is subject to further erosion and instability. Only the section posing the hazard is being closed and alternative access exists nearby.

Consistent with § 30211, this temporary closure will not interfere with the public's right to access the sea, because alternative access around the closure will be maintained along Edwards Street between upper Van Wycke and Galindo Streets. From there, Galindo Street can be used to rejoin Van Wycke Street.

Section 30214(a) allows that: *"The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics..."* This temporary closure is necessary due to the unsafe conditions caused by landslide activity that has compromised the integrity of the trail.

A condition has been included as part of the project that the approval is only for a two-year period. The Planning Commission may extend that time limit by one year if found necessary and if progress can be shown in advancing repair or access alternatives.

Although the temporary closure will affect public access during the closure, it is necessary to protect public safety. In addition, due to the unmaintained condition of the trail, foot traffic could exacerbate erosion and vegetation disturbance in that area. In addition, pedestrians are trespassing on private property above the trail to bypass the sunken area. Therefore, the closure is necessary to protect public safety, the environment and the rights of adjacent property owners and the project can be found to be consistent with the City's certified LCP and other applicable regulations and the public access policies of the Coastal Act.

SLOPE STABILITY:

The project is located outside of the Alquist-Priolo Fault Zone. But the property where the proposed project is located is within an area designated as unstable and questionably stable based on Plate 3 of the Trinidad General Plan. In addition, the closure is located on an active landslide. Several geologic investigations have been completed in order to inform appropriate repair and stabilization options. The City is actively working towards either repairing the trail or finding suitable access alternative(s). The closure will not further impact stability.

SEWAGE DISPOSAL:

The project will not generate wastewater.

LANDSCAPING AND FENCING:

This project does not involve any new landscaping or fencing.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Public safety and directional signage, such as what has been placed on t-posts at the trail closure to inform users, are exempt from Design Review per §17.56.160.A.5, exempting public safety and directional signage less than 2 sq. ft. in area. Section 17.60.030 exempts accessory structures less than 500 sq. ft. in area and less than 15 ft. in height from Design Review. Therefore, the t-posts and rope barriers are exempt. No other structures are proposed. No design review findings are required.

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 and information included in this Staff Report, and based on public testimony, I find that the project is consistent with the City's certified LCP and other applicable regulations, and I move to adopt the information in this staff report and approve the project as 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. Add 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. Because the approval is for a temporary trail closures, the CDP shall expire after two years of going into effect, unless a one-year extension is granted by the Planning Commission based on the need for more time to obtain funding and/or further explore repair and access alternatives if the Planning Commission finds that substantial progress has been made in the initial two years.

ATTACHMENTS

- Map of closure area
- Photos of closure area

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Subject: Public comment: Opposition to possible trail closures
From: Ted Pease <ted.pease@gmail.com>
Date: Mon, Jul 13, 2020 2:06 pm
To: azetter@trinidad.ca.gov
Attach: LofvingMackerel9460.100.jpg

Dear Trinidad City Council & Trinidad Planning Commission:

RE: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

It has come to our attention that the city manager proposes to "temporarily" close the Van Wycke Trail for as much as four years, and that, further, conversations have been undertaken about a similar closure of the trail extending along the bluff from Wagner Street to the Parker Creek Trail.

As daily walkers around Trinidad, count us as adamantly opposed to either closure. Further, we reiterate our previous opposition to the initial closure of the Van Wycke Trail this past Spring, apparently out of an overabundance of concern about public safety.

We fully endorse and echo the objections of Kim Tays ("CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail," July 11).

We have walked the Van Wycke Trail with our dogs for 20+ years. It has deteriorated over that period, but is still easily passable, even for us old folks; in our opinion, it poses no particular danger to public safety of falling. Concerns over maintaining safe, 6-foot physical distance from others on that trail under COVID-19 restrictions are understandable, but people can't pass each other on that path anyway, and it is common (and common sense) practice for walkers coming from opposite directions to yield and wait for one another to pass, providing the required 6-foot (or greater) buffer.

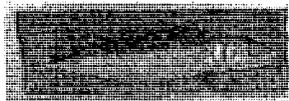
We are concerned about decisions and recommendations being made without adequate advance opportunity for public comment. These recommendations seem to be based on a less-than-complete understanding of the culture, sensibilities and practices of those who live in Trinidad, or a lack of historical memory of some of Trinidad's longstanding land-use issues.

Before making trail closure recommendations to the Planning Commission, we assume that the city has consulted with its own Trails Committee, and with the California Coastal Commission, whose regulations regarding public access to coastal areas are explicit and relevant.

Not only do we oppose any talk of trail closures, but we urge the immediate opening of both the Van Wycke and Wagner Street-Parker trails, with appropriate signage as needed for public safety and personal responsibility.

Sincerely,
Ted Pease & Brenda Cooper

PO Box 996/446 Mill Creek Lane
Trinidad, California 95570
707-677-5222; 707-502-5806 cell
ted.pease@gmail.com



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Subject: RE: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail
From: "Trinidad City Clerk" <cityclerk@trinidad.ca.gov>
Date: Mon, Jul 13, 2020 1:57 pm
To: ""Kimberly Tays"" <kimkat067@gmail.com>
"Angela Zetter" <azetter@trinidad.ca.gov>, "Trevor Parker" <tparker@shn-engr.com>, "Cheryl Kelly"
Cc: <ckelly@trinidad.ca.gov>, ""Diane Stockness"" <diane.stockness@gmail.com>, "Richard Johnson"
<rfjbr@gmail.com>, "Tom Hopkins" <tomh@humboldt1.com>

Hi Kim,

Message received and forwarded to the Planning Commission as requested.

Gabriel Adams
Trinidad City Clerk
707.677.0223

From: Kimberly Tays <kimkat067@gmail.com>
Sent: Saturday, July 11, 2020 8:22 PM
To: City of Trinidad <Cityclerk@trinidad.ca.gov>
Cc: Eli Naffah <citymanager@trinidad.ca.gov>
Subject: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

Hi Gabe,

Please forward the following email to the Planning Commissioners for their upcoming July 15, 2020 meeting and include in the public comments for this meeting and agenda item.

Dear Trinidad Planning Commissioners:

As a former Trinidad resident and someone who enjoys walking our coastal trails, I am writing to oppose the City of Trinidad's (City) proposed Coastal Development Permit (CDP) to allow for the "temporary" closure of the Van Wycke Trail (VWT).

The VWT has already been closed for over a year and, now, the City is proposing to close the trail for an additional two years, with an option to extend the closure for one additional year (for a total of 4 years). **I do not believe that closing a popular trail for 4 years can, in good faith, be considered "temporary."** What is problematic about this plan is that no alternatives were presented to full trail closure, nor was there any indication efforts have been made by the City to discuss with the adjacent property owners the possibility of purchasing a strip of land from each of them to allow the VWT to be routed upslope, away from the unstable, slumping area of the bluff.

Essentially, under this CDP, the City would be allowed to close a popular, well-used trail for three additional years without any plans to fix the trail or acquire land from adjacent property owners. I did not see any statements in the staff report, either, that indicated the one-year extension would require an additional CDP or allow for further public discussions and/or the possibility of appealing any decision to extend the trail closure for one more year.

Furthermore, there is no discussion in the staff report about the public's prescriptive rights to use the private property adjacent to the VWT. I have used the VWT for the past 18 years and have oftentimes walked on the private property adjoining the trail to allow others to pass by or to move around those sections of the trail that are uneven or slumping. I know others have passed across this private property, too, for similar reasons. In fact, the use of private property adjoining the VWT has been going on for decades. Such use is not infringing on private property rights, as the yards are long and narrow and the trail is a good distance from the homes, patios, decks and main yard areas. I have only witnessed the public passing through quickly, without incident, again because the trail is a good distance from the property owners' homes and main yard areas.

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

I proposed that the City post signs at both ends of the VWT, warning people that the trail is dangerous and that they are using it at their own risk. A further message could be added to the sign, asking people to please respect the property of adjacent homeowners. This could be done while the City considers alternatives to the full closure of the VWT.

While the public can use Edwards Street to access the beach and harbor, that route has not been properly improved to allow the public to do so safely. Edwards Street, without improvements (such as traffic-calming measures, barricades, signs or markings), is not a suitable trail alternative, due to the high volume of traffic and large vehicles (i.e., buses, RVs, semi-trucks, crab fishing vehicles, etc.) that use Edwards to access the harbor and beach.

Please accept this email as my OPPOSITION to the City's plans to issue a CDP to "temporarily" close the VWT for up to 3 more years. This plan needs to be more fully analyzed and alternatives to full trail closure considered.

Thank you for considering my input on this important coastal access issue.

Regards,
Kimberly Tays
Arcata, CA

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

Dear Trinidad Planning Commissioners,

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

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

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

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

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

Coastal Program Analyst

California Coastal Commission

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

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

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

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

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

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

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

Thank you,

Kathleen Lake
Trinidad Resident

Trinidad City Clerk

From: Gail Kenny <gailgkenny@gmail.com>
Sent: Tuesday, July 14, 2020 8:08 PM
To: Trinidad City Clerk
Subject: Van Wycke Trail Closure Comments

Please forward to the Planning Commission for the July 15, 2020 meeting.

Dear City of Trinidad Planning Commission:

Please deny the application of the coastal development permit to close Van Wycke Trail for the following reasons:

- This is a well-used trail that in its current condition is safely passable for many users. The Axel Lindgren Memorial Trail at the beach end is in much worse shape, and that trail has not been closed. I see no difference with the Van Wycke trail.
- There isn't an alternate trail that allows pedestrians to get off the road and out of the way of traffic on the way to the harbor.
- Closure of the trail denies the public access views from the trail.
- The trail appears to have been closed due to pressure from residents who live adjacent to the trail, who dislike having pedestrians using the trail. In the past the City was involved in litigation with another homeowner who wanted to close the trail adjacent to his property (John Frame) who claimed the trail was eroding, etc. A lot of time and money was spent to keep that trail open.
- If there is still concern about COVID issues, require that people wear masks while using the trail like the trail by John Frame's house is now signed. The slide section of the Van Wycke trail is short and over the 30 years I have used this trail I rarely pass people there. There is a clear view of who is coming along the trail and it's easy to retreat to a spot where groups of people can easily pass each other with social distancing.

Sincerely,

Gail Kenny
Trinidad Resident

----- Original Message -----

Subject: RE: Trinidad Trail Closure and Parking

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

Date: 8/26/19 4:15 pm

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

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

Hi Tom,

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

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

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

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

Sincerely,

~Tamara L. Gedik

Coastal Program Analyst

California Coastal Commission

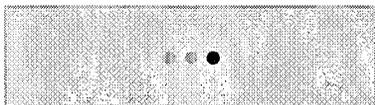
North Coast District Office

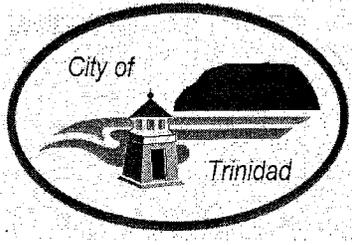
1385 8th Street, Ste. 130 · Arcata, CA 95521

E: Tamara.Gedik@coastal.ca.gov

P: 707.826.8950 · **Fax:** 707.826.8960

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





Application Filed: NA
Staff: Trever Parker
Staff Report: July 6, 2020
Commission Hearing Date: July 15, 2020
Continued Hearing: August 19, 2020
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2020-01

APPLICANT / OWNER(S): City of Trinidad

AGENT: NA

PROJECT LOCATION: Unpaved section of the Van Wycke Trail between Edwards Street and Galindo Street

PROJECT DESCRIPTION: Coastal Development Permit for the temporary closure of a portion of the Van Wycke Trail due to unsafe conditions

ASSESSOR'S PARCEL NUMBER: NA (Van Wycke Street right-of-way)

ZONING: NA

GENERAL PLAN DESIGNATION: NA

ENVIRONMENTAL REVIEW: Categorically Exempt per § 15304 of the CEQA Guidelines exempting minor alterations of land, including temporary use of land having negligible or no permanent effects on the environment.

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 location is within the unpaved portion of the Van Wycke Street right-of-way where a wooden retaining wall that supports a portion of the Van Wycke Trail has failed due to an active landslide. The site is located on the top of the bluff, approximately half-way between Galindo and the intersection of Edwards Streets with upper Van Wycke Street, about 300' east of Galindo. There is a "slump earthflow" in this area that is slowly and continually moving downslope, that has compromised the integrity of the existing retaining wall and the trail beyond simple repairs and maintenance.

Bluff instability has led to the need to stabilize the Van Wycke Trail, which connects the upper and lower portions of Van Wycke Street. This trail connects the two sections of Van Wycke Street, and provides a safe path for non-motorized traffic to reach Trinidad Head and Trinidad State Beach while avoiding this section of Edwards Street, most of which lacks sidewalks and has steady vehicular traffic. The trail is perched along the upper edge of a steep slope and significant earth movement has occurred in places, resulting in the City having to close the trail. A wooden retaining wall built to stabilize the worst section has been gradually torn apart over the last 10 years by the hillside's movement. The worst stretch has sunk more than five feet in just the last few years. At the east end, the concrete encasing the City's stormdrain is serving as the trail surface.

Land uses adjacent to the project include residences upslope and open space downslope. Launcher Beach is located below the bluff.

STAFF COMMENTS:

The CDP is for temporary closure of the trail for up to two years, with an option to extend that time period for a year, in order to allow the City to seek funding to either repair the trail or develop options for alternative access. Should the City decide to permanently close the trail, another CDP would be required in addition to an LCP Amendment.

The trail closure will be reviewed by the Trails Committee at their meeting on August 18, 2020, prior to the Planning Commission hearing. Staff will provide a summary of any comments and recommendations made by the Trails Committee at the Planning Commission hearing.

Project

The City has previously put up signage warning the public that the trail is unsafe, and use is at their own risk. Upon the request of the City's insurance company, City staff put up signs closing the trail more than a year ago due to the unsafe conditions. Coastal

Commission staff since informed the City that the temporary trail closure requires a Coastal Development Permit (CDP). Trail closure, even temporary, falls under the definition of "development," which includes "change in the ... intensity of use of land." Therefore, the City is processing this CDP in order comply with requirements of the Coastal Act.

The closure includes small signs mounted on t-posts, less than 2 sq. ft. in size, warning people that the trail is closed. Ropes have been mounted on t-posts across the trail at each end in order to further discourage usage. Currently, there is orange snow-fencing across the trail as well. This fencing was placed more for the COVID trail restrictions than the safety issue, because people were still using it. However, that fencing was not intended to last more than a few months and has already been compromised by vandals. This CDP does not authorize the continued placement of the snow fencing, and it will be removed.

Purpose

On June 24, 2019, Kin Ong, the General Manager of PARSAC, the City's insurance company, visited the City and met with the City Manager. After a discussion, he asked to see two areas of concern that needed attention based on a risk assessment prepared in December 2018. After visiting the Van Wycke Trail, he confirmed that it needed to be closed, with signage and a chain, rope or barricade. He also visited the Axel Lindgren Memorial Trail (ALMT) and identified that proper warning signs needed to be posted, but he did not determine that the trail needed to be closed. Kin later sent appropriate wording for the signage to Public Works, which has since been placed on the ALMT.

The bottom line is that if the City does not follow the directives from PARSAC, they will not cover the City if someone is hurt or otherwise makes a claim against the City for damages due to using the trail. Therefore, the City Manager decided to follow the recommendations. City Manager Naffah stated the following regarding the situation:

"Kin made the call re: the trails, I did not. The month before his visit I attended the PARSAC biannual board meeting where millions of dollars in lawsuits against various cities were addressed. The fact that Trinidad has a favorable rating with minimal claims over the years is trend that needs to be continued. We cannot expose the City to lawsuits that our insurance would not cover."

The PARSAC Risk Management Assessment Report is attached. The verbiage from the attached report that relates to city trails in general and the Van Wycke Trail in particular follows:

From page 4, Executive Summary of report:

General liability claims also poses a significant risk exposure for the City. The City of Trinidad is small, both in terms of population and geography; however, it has many of

the same general liability risk exposures of larger cities. This includes exposures related to sidewalk liability, urban forest management, and contractual transfer of risk. Some exposures that are unique to Trinidad are its scenic coastline and its many natural trails that bring visitors to the area. Many of the trails observed during the visit were in poor condition. While signage was posted to warn walkers of potential hazards, the City will need to work with PARSAC to ensure that City is able to maintain “trail immunity” in the event a claim is presented against the City.

From page 6, Critical Findings and Recommendations of report:

Van Wycke Trail

The Van Wycke is a very short trail that has received grant funding to convert the trail into a pedestrian and bicycle connector trail. Several portions of the trail have experienced severe erosion and present a significant fall hazard, as the trail is at the edge of a bluff. Although the City has put up warning signs indicating that the bluff is unstable, based upon its current condition the trail should be closed until permanent repairs are made. A chain or other type of barricade with signage indicating that the trail is closed should be installed.

Trail Repair Background

Repair of the failing section of the Van Wycke Trail has been a priority for the City for many years. It shows up in various discussions and planning documents (e.g. the Humboldt County Association of Government’s Regional Transportation Plan) going back to approximately 2010, when the City Council first asked GHD to seek grant funding for repairs. Concurrently, the City also commissioned a couple of geologic and feasibility reports to help inform repair options.

After several unsuccessful funding applications, the City was awarded a grant from CalTrans for a multi-modal connectivity project, that included repair of the trail. At that time, construction of a retaining wall was the preferred repair option. On April 17, 2019, the City (Planning Commission) adopted a Mitigated Negative Declaration pursuant to the California Environmental Quality Act for the project, though the final design was not yet complete. Since then, there has been additional opposition to a retaining wall and the resultant soil disturbance, particularly from tribal interests.

Early in 2020, the City started a series of meetings with stakeholders to discuss alternatives. Those meetings were put on hold due to COVID-19 and have just recently resumed. At this point, the preferred project, at least in terms of the CalTrans grant, is to abandon repair of the trail in favor of constructing a sidewalk and other improvements on Edwards Street to increase pedestrian safety. Vista points will be added near the trail closures so visitors can still enjoy the views. And utilities that cross the failed section of trail still need to be secured or rerouted. The permanent fate of the trail is unknown at this time. The City did secure an extension from CalTrans for the grant in order to continue to work on alternatives. The City is hoping that the new alternative may be

constructed next year, but that will not provide a final resolution for the trail itself. The City will still have to work with the public and other stakeholders to determine the preferred course of action and pursue additional funding for any repairs. Therefore, a minimum 2-year closure is necessary.

Potential Conflicts of Interest

There are no known conflicts of interest.

ZONING ORDINANCE / GENERAL PLAN CONSISTENCY

The proposed project is located within a portion of the Van Wycke Street right-of-way, and therefore has no zoning associated with the property. The land immediately north of the project is zoned Urban Residential (UR) and the land immediately south is zoned Open Space (OS).

The City's zoning ordinance does not include required findings for projects that require a CDP but no other type of planning approval such as Design Review. Therefore, overall consistency with the City's LCP and Coastal Act have been considered.

The Van Wycke Street Trail is an important and heavily used part of the City's trail system laid out in the 1978 General Plan and is shown on the Circulation Map (Plate 4). Policy 64 of the Trinidad General Plan requires that the trail system be marked and maintained for use by the public. This project is consistent with that requirement, because the closure is only temporary while the City investigates options to improve the trail or provide alternative access.

Policy 5 of the Trinidad General Plan states that: *"Where access trails must traverse steep slopes, they should be located away from unstable areas and improvements should be provided to minimize erosion and slope failures. Existing trails which are creating these problems should either be improved or closed."* The project is consistent with this policy.

In terms of the Coastal Act, the primary standard of review for this project is whether it is consistent with the public access policies of the Coastal Act (Chapter 3).

One of the primary purposes of the Coastal Act is to *"Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principals and constitutionally protected rights of private property owners."* (§ 30001.5), which also carries out a similar principal found within the CA Constitution. Section 30210 states: *"In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource*

areas from overuse." The project is consistent with these sections, because the trail currently poses a risk to public safety and is subject to further erosion and instability. Only the section posing the hazard is being closed, and alternative access exists nearby on Edwards Street.

Consistent with § 30211, this temporary closure will not interfere with the public's right to access the sea, because alternative access around the closure will be maintained along Edwards Street between upper Van Wycke and Galindo Streets. From there, Galindo Street can be used to rejoin Van Wycke Street. Although Edwards Street does not have sidewalks, parking on the south side was removed and striping for a pedestrian walkway were added around 2003. People have commented that they feel less safe on this route, and that it does not provide the same coastal views as Van Wycke, but the City does not have a record of any car/pedestrian incidents that have occurred, and the Edwards Street route poses less risk than the failing Van Wycke Trail. Coastal access and viewsheds are still provided on Edwards Street. In addition, the minimum length of trail has been closed, so pedestrian access, and the coastal views, are still available on either side of the closure.

Section 30214(a) allows that: *"The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics..."* This temporary closure is necessary due to the unsafe conditions caused by landslide activity that has compromised the integrity of the trail.

A condition has been included as part of the project that the approval is only for a two-year period. The Planning Commission may extend that time limit by one year if found necessary and if progress can be shown in advancing repair or access alternatives.

Although the temporary closure will affect public access during the closure, it is necessary to protect public safety. In addition, due to the unmaintained condition of the trail, foot traffic could exacerbate erosion and vegetation disturbance in that area. In addition, pedestrians are trespassing on private property above the trail to bypass the sunken area. Therefore, the closure is necessary to protect public safety, the environment and the rights of adjacent property owners, and the project can be found to be consistent with the City's certified LCP and other applicable regulations and the public access policies of the Coastal Act.

SLOPE STABILITY:

The project is located outside of the Alquist-Priolo Fault Zone. But the property where the proposed project is located is within an area designated as unstable and

questionably stable based on Plate 3 of the Trinidad General Plan. In addition, the closure is located on an active landslide. Several geologic investigations have been completed in order to inform appropriate repair and stabilization options. The City is actively working towards either repairing the trail or finding suitable access alternative(s). The closure will not further impact stability.

SEWAGE DISPOSAL:

The project will not generate wastewater.

LANDSCAPING AND FENCING:

This project does not involve any new landscaping or fencing.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Public safety and directional signage, such as what has been placed on t-posts at the trail closure to inform users, are exempt from Design Review per §17.56.160.A.5, exempting public safety and directional signage less than 2 sq. ft. in area. Section 17.60.030 exempts accessory structures less than 500 sq. ft. in area and less than 15 ft. in height from Design Review. Therefore, the t-posts and rope barriers are exempt. No other structures are proposed. No design review findings are required.

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 and information included in this Staff Report, and based on public testimony, I find that the project is consistent with the City's certified LCP and other applicable regulations, and I move to adopt the information in this staff report and approve the project as 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. Add 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. Because the approval is for a temporary trail closures, the CDP shall expire after two years of going into effect, unless a one-year extension is granted by the Planning Commission based on the need for more time to obtain funding and/or further explore repair and access alternatives if the Planning Commission finds that substantial progress has been made in the initial two years.

ATTACHMENTS

- Map of closure area
- Photos of closure area
- Risk Management Assessment Report



Imagery ©2020 Maxar Technologies, USDA Farm Service Agency, Map data ©2020 100 ft





Privileged and Confidential Information

Risk Management Assessment Report

Presented to

City of Trinidad

December 10, 2018

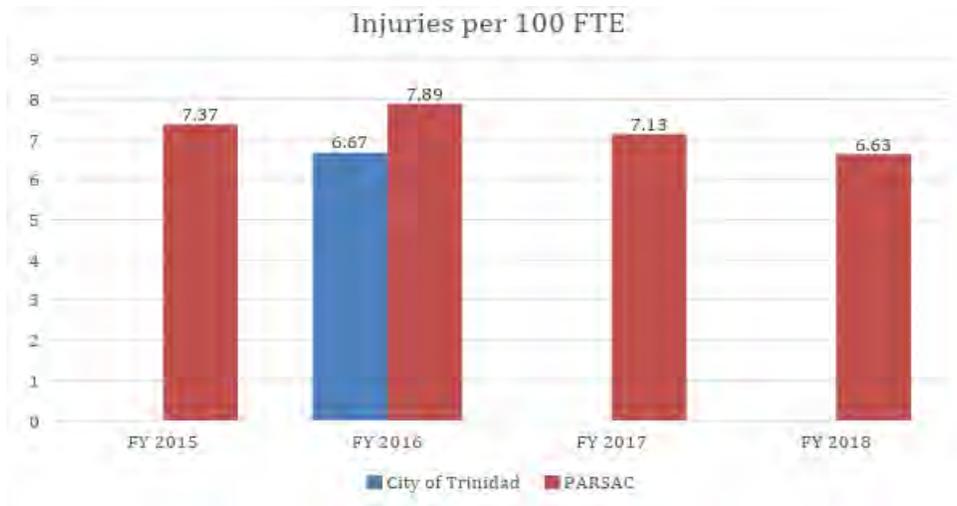
Disclaimer

We sampled selected operations and programs and the associated risks, so there is no guarantee that all existing or potential hazards have been identified and documented. This report is based on conditions at the time of the survey, information provided by your staff, and conditions apparent to the person(s) conducting the survey. The information in this report does not guarantee that operations, whether noted or not, are in compliance with federal, state, or local laws or regulations. Your implementation of these recommendations is not a guarantee that losses will be prevented or reduced, nor are the recommendations a substitute for your responsibility to administer your risk management, risk control, and safety programs.

Executive Summary

The PARSAC risk assessment is a comprehensive evaluation of a City's risk management programs, including compliance with Cal/OSHA and other governmental regulations. The risk assessment report should be used as an educational tool for the City to determine areas for improvement in its risk management and safety programs. In general, findings related to worker safety are regulatory requirements, whereas findings related to the general liability exposures are based on government code, case law, and standards of care. By focusing on improving risk management processes and systems, the City has a greater potential to impact its total cost of risk.

Overall, the City has a low claim experience for both its general liability and workers' compensation programs. As of 9/30/18, the City has only experienced one workers' compensation claim in the last four years with a total incurred cost of \$3,499. In order to compare the City's performance with the pool average, PARSAC uses the Bureau of Labor Statistics Injury Frequency rate calculation. As indicated below, the City's injury rate is well below the PARSAC Pool average.



In terms of the City's general liability program, the City has only received a total of five claims since FY11, and only two of those claims resulted in a paid loss. The total incurred for all GL claims during this period is \$6,129, valued as of 6/30/18.

Claim Type	Total Incurred	Total Paid	Count of Claims
2010-11	\$677	\$677	2
2013-14	\$0	\$0	1
2014-15	\$5,452	\$5,428	1
2016-17	\$0	\$0	1
Grand Total	\$6,129	\$6,105	5

The two paid claims that the City has experienced were related to a tree limb falling and a slip/trip and fall claim. The tree limb claim is the larger of the two claims with a total

incurred of \$5,452 and the slip/trip and fall claim valued at \$677.

Although the City has not experienced a large number of claims over the years, the potential for workplace injuries and general liability claims is significant based upon our review of the City's operations and facilities. In terms of workplace injuries, the work performed by employees in the Public Works Department is the primary exposure. A review of the City's safety program revealed that employees have only received training through informal safety tailgate meetings. The City does not currently provide regulatory required safety training for employees and lacks many required written safety programs. PARSAC can assist the City in developing the required safety programs and provide access to online safety training resources to help correct this deficiency.

General liability claims also poses a significant risk exposure for the City. The City of Trinidad is small, both in terms of population and geography; however, it has many of the same general liability risk exposures of larger cities. This includes exposures related to sidewalk liability, urban forest management, and contractual transfer of risk. Some exposures that are unique to Trinidad are its scenic coastline and its many natural trails that bring visitors to the area. Many of the trails observed during the visit were in poor condition. While signage was posted to warn walkers of potential hazards, the City will need to work with PARSAC to ensure that City is able to maintain "trail immunity" in the event a claim is presented against the City.

In reviewing the City's contracting process, it was learned that the City is allowing work to be performed on City property without written contracts or insurance requirements. It appears that many of these "handshake" agreements are with Humboldt County for street maintenance work and often involve having an existing work crew continue their work on City streets. On a prior risk assessment, it was noted that the City allows families to hire a contractor to dig a grave in the City's cemetery without requiring insurance of the contractor. This practice still exists. In order to protect the City's interests, a written contract with proper indemnification language should be put in place between the City and County. As a general practice, the City should require anyone working on public property to provide proper insurance coverage and have an agreement in place that protects the City in the event of damage or injury.

It should be noted that prior risk assessments were conducted by PARSAC in 2009 and 2014. While most of the findings related to correcting a physical hazard were corrected, findings and recommendations requiring policy development or process improvements have not been addressed. Those findings that are repeated are noted in the report. In most cases, the improvements and recommendations outlined in this report do not require the expenditure of money, but rather commitment of senior management to hold managers and supervisors accountability for risk management functions in their departments.

Critical Findings and Recommendations

Critical findings are those areas in which we feel that the City can have the greatest impact on its safety and risk control program.

Trail Access and Trail Immunity

The City has several trail systems that are used frequently by both local residents and tourists. The condition of many of the trails that were observed during the visit was poor and with limited signage to warn of potential hazards. Although the City may have trail immunity under [California Government Code 831.4](#), which shields public entities from liability when injuries are suffered by those using public property for recreational purposes, the City should take reasonable care to prevent injuries and provide notice of potential hazards to visitors.

Axel Lindgren Memorial Trail

The sign posted at the trailhead of the Axel Lindgren Memorial Trail is not adequate to warn users of potential hazards. The sign was printed on standard size paper, protected by a plastic cover sheet, and posted on a temporary traffic barricade. The wording on the sign states “WARNING UNSTABLE TRAIL USE AT YOUR OWN RISK”. Additionally, the warning sign is much smaller than the sign regarding “No Fires or Fireworks Permitted”, which diminishes the warning signs importance.



A warning sign must be clearly visible and large enough to be noticed immediately. Additionally, the sign should include specific hazards of using the trail. PARSAC recommends that a sign stating the following should be posted at the trail entrance:

WARNING
Watch for hazards
including steep grade, uneven surface, unstable soil, and tripping hazards.
USE AT OWN RISK

The sign and font size should follow industry standards for warning signs and be legible from a distance of 25 feet. Similar signs should be posted for other City owned trails indicating the specific hazards of those trails.

The trail itself also has several tripping hazards that are mainly due to the prior improvements to the trail falling in disrepair. This includes several areas where the wood has worn down with rebar poking out and other areas where a steel cable is exposed. The area above the trail, near the original landing for the lighthouse, also has loose planks and exposed rebar. As these improvements are not natural conditions of the trail, the trail should be closed until repairs are made.



Van Wycke Trail

The Van Wycke is a very short trail that has received grant funding to convert the trail into a pedestrian and bicycle connector trail. Several portions of the trail have experienced severe erosion and present a significant fall hazard, as the trail is at the edge of a bluff. Although the City has put up warning signs indicating that the bluff is unstable, based upon its current condition the trail should be closed until permanent repairs are made. A chain or other type of barricade with signage indicating that the trail is closed should be installed.



Use of Contractors and Informal Agreements (Repeat Finding)

The City's Public Works Department is entering handshake agreements with Humboldt County to perform work on City property. It appears that this work mainly involves road maintenance and is performed when a road crew has additional material when working near the City. While this handshake agreement may be beneficial to both parties, the City should have a formal written agreement with the County that includes hold harmless and indemnification language. The risk assessment also identified a similar situation with the operation of the City cemetery, in which a vendor is performing work on City property without a written contract or insurance requirements.

As a general practice, the City should require anyone working on public property to provide proper insurance coverage and have an agreement in place that protects the City in the event of damage or injury. This requirement is very similar to requiring individuals who rent the community center to obtain minimum insurance coverage.

Written Safety Programs (Repeat Finding)

Based upon the onsite interviews, it appears that the City has not developed many regulatory and best practice programs that address the City's exposures. While the City was able to produce documentation for a written safety program, it did not contain the elements of an Injury and Illness Prevention Program (IIPP), that is required under Cal/OSHA regulations (Title 8 Section 3203). The City should work with PARSAC to revise its IIPP to reflect current operations and develop written programs for the following:

- Auto and fleet safety management
- Confined space entry
- Contractual risk transfer
- Fire prevention
- Hazard communication
- Hazardous energy control
- Hearing conservation
- Respiratory protection
- Return to work
- Urban forest management

Employee Training

The City has not provided regulatory required safety training for employees and has not maintained training records of past training. The volunteer Fire Department does conduct regular training with the Cal Fire, but it does not appear that the Cityt maintains training records.

PARSAC can assist the City in developing a training matrix and provide access to online safety training resources to help correct this deficiency. Additionally, the City will be able to maintain volunteer fire department records, as well as offer additional online training opportunities.

Program-Specific Findings and Recommendations

The following findings and recommendations were generated as a result of the visit to the various City departments and are based on the information provided by the City's representatives.

Americans with Disabilities Act (ADA)

Although the City has completed an ADA self-evaluation and transition plan, the City has not included a line item in its budget to fund the transition plan. It is important that the City track the completion of these items. Just as it is important to have a documented plan in place, the City must also show progress in completing the transition plan to avoid potential litigation.

The City should include a line item in its budget for ADA Improvements of at least \$5,000 to show progress in implementing the ADA transition plan. Additionally, the City should create a spreadsheet version of the transition plan items from the consultant so that it can better track completion its plan.

Auto Fleet Liability (Repeat Finding)

The City does not have written fleet safety policy that includes driver selection and minimum insurance requirements. Additionally, it does not appear the DMV motor vehicle reports are being reviewed to ensure that City employees have appropriate driving records to drive City vehicles.

The City should develop a written fleet safety and driving policy that establishes, at a minimum, vehicle use, driver selection criteria, and what constitutes acceptable or unacceptable driving records. PARSAC has a model driver and fleet safety policy that should be used as a template. Additionally, the City should enroll in the DMV Employer Pull Notice Program and register all employees who drive on City business.

Bloodborne Pathogens (Repeat Finding)

The Public Works employees are involved in clean-up activities that may have an exposure to bloodborne pathogens. Additionally, the City's volunteer Fire Department provides often provides the initial emergency response and may have volunteers exposed to bloodborne pathogens.

The City should develop a written bloodborne pathogens exposure control plan consistent with the City's identified occupational exposures and CCR, Title 8, Section 5193 requirements. All employees, volunteers, or others whose jobs expose them to potentially infectious materials are required to be trained regarding the City's bloodborne pathogens exposure control plan upon hire, annually, and whenever changes to the plan are made. The City is also required to offer pre-exposure hepatitis B vaccination to all potentially exposed employees at no cost to the employee. The City, as a best management practice, should require employees who decline the offer of pre-exposure hepatitis B vaccination to sign a declination waiver. As a best practice, it is also recommended that employees sign a consent form as well.

Contractual Transfer of Risk

As part of the risk assessment, PARSAC requested to review the City's current active contracts, as well as bid-specs and other documents that may include contractual risk transfer language. All active contracts have not been reviewed as they were not available during the assessment. The City will need to provide all active agreements to complete this portion of the assessment.

Confined Space Entry

Based upon discussions with Public Works Department employees, the City's only known confined space is the tank located at the water treatment plant. A confined space is large enough and so configured that an employee can bodily enter and perform work; has limited or restricted means of entry and exit; and is not designed for continuous employee occupancy.

The City should, as required by Cal/OSHA, develop a written confined space entry program consistent with Cal/OSHA requirements and the City's needs. Such a plan should include procedures for pre-entry, entry, rescue, and employee training.

Employment Practices Liability

The City is currently updating its employee handbook and personnel policies using ERMA Grant Funds. As these policies are being updated by an EPL professional, the programs were not reviewed as part of the risk assessment.

Fire Department Operations

The City operates a volunteer fire department that coordinates its volunteer training activities with CalFire. Training is provided on a monthly basis, with each volunteer required to maintain their own training records. The City is not currently using the online training for firefighters that is offered through TargetSolutions.

The City is encouraged to provide additional online training to their volunteer firefighters through TargetSolutions. Additionally, the City should maintain all volunteer training records and ensure that volunteers are completing all training as required by policy.

Hazard Communication (Repeat Finding)

The City does not have a written hazard communication program as required by CCR, Title 8, Section 5194.

The City should develop a written hazard communication policy that specifies how the City will comply with the hazard communication standard. The policy should include a current list of the hazardous materials used throughout the City. The policy should also prohibit employees from bringing unauthorized hazardous materials onto City property.

Hearing Conservation Plan (Repeat Finding)

Public works employees operate equipment, such as jackhammers, mowers and leaf blowers that could cause hearing loss. The City has not conducted audiometric testing on all types of equipment to know if employees have an exposure to hearing loss. Damage to the ability to hear is known to result from exposure to high decibel levels for extended periods of time and can result in a permanent hearing disability.

An initial decibel exposure study should be conducted for all the City facilities, equipment, and/or activities which contain or generate potentially high decibel levels to reduce the risk of exposing employees to high decibel noise for durations of time that may result in a reduction in their ability to hear. The purpose of the study is to identify those areas, equipment, and/or activities that generate decibel levels equal to or greater than 85 decibels over an 8-hour time weighted average (TWA). Based upon the study results, the City may need to implement a Hearing Conservation Program.

Lockout/Tagout of Hazardous Energy

The Public Works Department should develop and implement a hazardous energy lockout/tagout (LOTO) program to protect employees from the unexpected energization or startup of machines or equipment, or the release of stored energy. A model hazardous energy lockout/tagout program can be found on the PARSAC website: www.parsac.org. Once the City has developed and implemented the LOTO program, it must provide hazardous energy LOTO safety training to all Public Works Department employees. In addition, each piece of equipment and machinery that creates a hazardous energy exposure should be labeled to identify the locations where lockout, tagout and/or blockout devices should be applied.

Respiratory Protection Program (Repeat Finding)

A respirator was observed in the Public Works office that was not properly stored. Employees in the department indicated that they don't need to use them, but may occasionally wear one. The City should conduct an assessment of its work environments and activities to determine if a respiratory protection program is required.

Return-to-Work Program (Repeat Finding)

The City should adopt the PARSAC model return-to-work (RTW) program which includes information specific to the City. Effective RTW programs can greatly benefit the City by allowing injured workers to return to the workplace in modified job duties while recovery from their injury. This can also help to reduce the overall cost of workers' compensation claims. It also allows managers to monitor the employee's recovery and treatment and it maintains the injured worker's relationship with the agency and co-workers. A model RTW program can be found on the PARSAC website: www.parsac.org.

Sidewalk Liability (Repeat Finding)

Best management practices indicate that City should adopt an ordinance that transfers the responsibility for sidewalk maintenance to the adjacent property owner. A sidewalk ordinance would transfer the liability for any damages caused by damaged pavement to the property owner. The public works department should also establish an effective sidewalk inspection program that identifies and repairs damaged sidewalks before a claim is filed.

Special Event Risk Management

The City does not sponsor any special events, but the business community does regularly host two events (fish feed and fun run) each year. The City does not have a formal special event approval process

The City is encouraged to review the special event permit process and review current insurance requirements and indemnity language. For more information regarding this recommendation, please call Kin Ong at PARSAC.

Urban Forest Management

The City does not have an Urban Forest Management policy that addresses the inspection and maintenance of trees on public property. The main area of concern is the City Cemetery, which has several very large trees on the property. During the site visit, several large limbs were observed on the cemetery grounds due to a recent wind event. It was also noted that several headstones have been placed at or near the base of the trees. As graves must be dug a minimum of six feet, there is concern that the graves could cause damage to the tree roots and cause the tree to become unstable. Public Works employees also expressed concern about the trees in the area, and specifically the tree that is above the maintenance shed. It was noted that it had been several years since the City had an arborist inspect the trees. The City has had only one significant loss related to trees.



The City should contract with a certified arborist to conduct an evaluation all trees that are on the City's property. Additionally, the City is encouraged to develop and implement a written program that details its urban forest management policies and procedures. PARSAC has a model Urban Forest Management Program that the City can adapt to its own operations.

Facility Inspection Findings and Recommendations

The following findings and recommendations were generated as a result of an inspection of the City's various facilities and operations.

Hector Street Raingarden

At the time of the site visit, the Hector Street Raingarden had just been completed. This project was intended to improve storm runoff; however, the design makes it appear as if this is a roundabout. In discussing the traffic flow with the City Clerk, he indicated that the City's traffic engineer did not view it as a roundabout and that traffic flow would go in both directions on each of the surrounding streets. As this was a new improvement to the area, it did not have traffic signage to indicate the flow of traffic and it was not intuitive as to what direction should flow.

The City should ensure that the traffic engineer has signed off on the traffic design and that appropriate signs are installed to protect the City's design immunity in the event of a dangerous condition claim.



Van Wycke Street and Edward Street Access

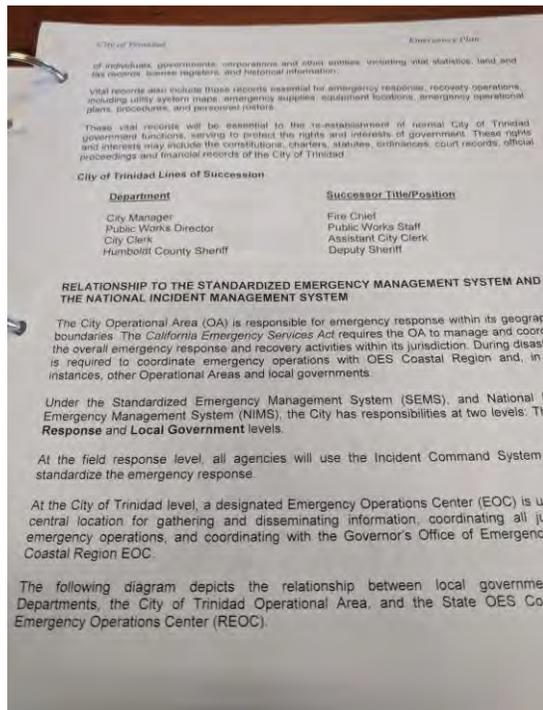
The transition between Edward Street and Van Wycke Street has a significant change in elevation between the asphalt transition of the streets. This poses a trip and fall hazard, as those riding a bike or walking onto the street may not notice the transition due to the color similarity.

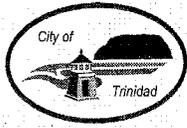
The City should paint the transition in the asphalt white or yellow to help indicate the change in level between the pavements for those riding a bike or walking.



Emergency Operations Lines of Succession

In reviewing the City’s Emergency Operations Plan that was drafted with the assistance of the County, the plan shows that the volunteer Fire Chief would succeed the City Manager if he/she became incapacitated during an emergency. As the volunteer Fire Chief is not an employee of the City, the Emergency Operations Plan should be reviewed and revised to ensure that succession planning and other operations are managed by city employees.





DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION ATTACHED

2. Discussion/Action: Discussion Regarding Galindo Street Trail.

- Discussion/Decision regarding Closure of Galindo Trail Staff Report - City Council August 2020 (1 page)
- Public Comments in response Closure of Galindo Trail Staff Report - City Council August 2020 (2 pages)
- California Coastal Commission staff correspondence in regards to equivalent trail access (3 pages)
- California Coastal Commission staff correspondence in regards to Galindo Trail closure (2 pages)

AGENDA ITEM REPORT

August 11, 2020

Item: Galindo Trail

I had an initial discussion with Coastal Commission staff regarding the potential closure of the Galindo Trail and the process that would be required to accomplish that in 2018.

They highlighted several points, including: 1) closure of the trail is "development" under the definition of the Coastal Act, and requires a Coastal Development Permit (CDP); 2) the Galindo Trail is mapped on Plate 4 and described in General Plan policy 64; so, trail closure would also require amendment of the City's Local Coastal Program (LCP); 3) temporary closure requires a CDP, but not an LCP amendment; 4) even placement of signs discouraging use of the trail is also development requiring a CDP.

Therefore, trail closure requires both a CDP and an LCP amendment. Unfortunately, neither the City's LCP, nor the Coastal Act provides clear guidance for closing trails. But Coastal Commission staff mentioned several things that the City will need to consider. Coastal Commission staff indicated that they would want evidence/justification showing the need to close the trail.

In addition, there would need to be alternative access provided in/of the same place, type and manner. I believe this is based on an interpretation of §30214 of the Coastal Act. I asked if the "boardwalk" along the lower portion of Edwards could qualify as alternative access. Coastal Commission staff's opinion at that time was likely not, because it does not get people to the same place. And in order for people to get to the same place, they would have to navigate an area that often has heavy traffic.

Finally, the Coastal Commission will not approve a trail closure that could interfere with prescriptive or other access/use rights (§30211). Prescriptive rights can accrue during any 5-year time span, even if that was well in the past. It takes a judge to determine definitively if prescriptive rights exist. My understanding is that prescription rights cannot accrue on a public right-of-way. However, Coastal Commission staff indicated that the fact that the trail is located within an existing public right-of-way and an easement over the Rancheria property does not necessarily make the issue any easier/cleaner. Therefore, a lack of prescriptive access rights may have to be documented prior to Coastal Commission approval.

Because it was a preliminary discussion, we did not discuss a lot of details. For example, I'm not sure if the CDP or LCP amendment would come first. But the closure will not be a simple process and is not something we can put on an agenda in the next couple of months. In addition to addressing Coastal Commission staff issues, the City may want to consider doing some public outreach and education ahead of any hearing.

Recommended Action:

Direct City staff to work with Coastal Commission staff and stakeholders to put together a proposal to close the Galindo Trail, which will eventually become an application for a CDP and LCP Amendment. Staff will provide regular updates at future Council meetings.

Trinidad City Clerk

From: Bryce Kenny <jbrycekenny@gmail.com>
Sent: Monday, August 10, 2020 11:31 AM
To: cityclerk@trinidad.ca.gov; citymanager@trinidad.ca.gov
Cc: sladwig@trinidad.ca.gov; tdavies@trinidad.ca.gov; 'Richard Clompus'; jwest@trinidad.ca.gov; dgrover@trinidad.ca.gov
Subject: Item IX 1. and 2 of Agenda for August 11, 2020

Dear Mayor and Council Members:

I take this opportunity to comment on the proposed Van Wycke and Galindo trail closures. Having nice walkable trails is one of the great amenities that comes with living in Trinidad. The city policy should be to have more trails, not less. Both the Van Wycke and Galindo Street trails are on public right of ways that were laid out in the 1800's. While neither is capable of supporting vehicle traffic, both are important links in the city's transportation system.

While slumping below the Van Wycke trail has been a problem for decades, it is still passable, and my wife and I enjoy walking on it. It is no worse than many of the trails in the adjacent State Park, the bottom of the Axel Lindgren Jr. Memorial Trail, or the bottom of the Parker Creek trail where it reaches Old Home Beach. None of those other trails are being closed. The idea of city liability is a red herring. In the unlikely event that someone is hurt on a city trail and makes a claim, our insurance company is required to provide coverage, though it could do so under a "reservation of rights," and then later litigate with the city over that issue. That almost never happens, and if it did, the city would likely prevail.

It is very concerning to me that the staff report refers to a meeting with the "stakeholders," which apparently means the four property owners upslope from the Van Wycke trail. In the context of city trails, the "stakeholders" are the people who use the trails, not adjacent property owners who seek to increase their "privacy." This is all reminiscent of a long and expensive legal battle waged between another private party who bought land encumbered with a public beach access trail, and the city and State of California. That was all in vain if the city is so willing to capitulate and close the Van Wycke trail based on the desires of a few property owners.

At the last Planning Commission meeting, Eli said that a simple wooden foot bridge over the worst slumping section of the Van Wycke trail would be a good solution, and everyone agreed. Now, he has reversed course and is calling for complete closure of the Van Wycke trail and routing of all traffic down Edwards Street. Since the illegal barricading of the east end of the trail, my wife and I have been walking down Edwards instead, and it is no where near as enjoyable as the Van Wycke trail, because of the heavy traffic on Edwards and the lack of view toward the harbor and green space below the trail.

The Planning Commission has tabled the Van Wycke trail closure idea pending a recommendation from the Trails Committee. The Council should not short-circuit that process by jumping ahead with a decision to close the trail. More discussions should occur, that include the view points of trail users. I hereby request to be notified of all such future meetings.

If the city is to have a trails system, it must protect its existing trails. There simply is no more city land upon which to construct new trails. Of course, it can condemn land for the construction of trails, but that is an extreme measure that should be used sparingly.

The Galindo Street trail is another valuable link in the trails system. Claims that it should be closed because of its proximity to a grave are misplaced. Whoever is buried there has been resting in peace for at least a century, and will continue to do so, despite the occasional passerby. I question any alleged Native American cultural norm that prohibits

walking near a grave. It was known at the time the trail was constructed that there may be a grave nearby, and no one objected. Why now, all these years later?

Please do not close either of these trails. It would be a violation of the Coastal Act. If you do, as fair warning, I will formally oppose those efforts by all legal means.

Thank you for your time and attention.

Sincerely,

Bryce Kenny
462 Ocean Avenue
Trinidad, California

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Subject: Fw: equivalent access
From: Trever Parker <tparker@shn-engr.com>
Date: Thu, Aug 13, 2020 12:08 pm
To: "azetter@trinidad.ca.gov" <azetter@trinidad.ca.gov>
Attach: image001.jpg
image002.jpg
image003.png
Outlook-ssvduj5n.png
Prescriptive-Rights-Manual.pdf
Letter to Trever Parker Re Van Wycke Trail MND.3.07.19.pdf

Trail closure correspondence.

Trever Parker, AICP

Senior Planner
Trinidad City Planner



Civil Engineering, Environmental Services,
Geosciences, Planning & Permitting, Surveying

www.shn-engr.com

1062 G St., Suite I, Arcata, CA 95521
(707) 822-5785 w (707) 822-5786 f

From: Gedik, Tamara@Coastal <Tamara.Gedik@coastal.ca.gov>
Sent: Tuesday, October 29, 2019 3:24 PM
To: Trever Parker <tparker@shn-engr.com>
Cc: Merrill, Bob@Coastal <Bob.Merrill@coastal.ca.gov>
Subject: RE: equivalent access

Hi Trever,

The concept about equivalent access associated with any proposed trail closure is rooted in the public access policies of the Coastal Act, and in particular Section 30211 as it pertains to implied dedications (aka public prescriptive easement*) of public access. Coastal Act Section 30211 states, in part, that "Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization." In implementing this section of the Act, the City must consider whether a proposed development will interfere with or adversely affect an area over which the public has obtained rights of access to the sea.

In general, when evaluating the conformance of a project with Coastal Act Section 30211, the City (or the Commission on appeal) cannot determine whether public prescriptive rights actually do exist; rather, that determination can only be made by a court of law. However, the approving authority is required under Section 30211 to prevent development from interfering with the public's right of access to the sea where acquired through use or legislative authorization. As a result, where there is substantial evidence that such rights may exist, the approving authority must ensure that proposed development would not interfere with any such rights.

Section 30214 of the Coastal Act identifies the need to regulate the time, place and manner of public access depending on the facts and circumstances in each case. We previously discussed for the Galindo Street trail that if prescriptive rights exist and the trail is proposed for closure, the City must make findings for prescriptive rights that provide for a public access trail in equivalent time, place, and manner (although, I believe Dan Berman later pointed

out that in the case of the Galindo Street trail, it might exist along the public right-of-way: note that prescriptive rights of public access to the shoreline do not accrue over publicly-owned lands). This analysis would also be necessary for any changes in access to the Van Wycke trail, and if it's closed, we'd want to see findings that evaluate an alternative (or alternatives) that provide the same level of access.

*Note: The term "prescriptive easement" recognizes the fact that the use must continue for the length of the "prescriptive period," before an easement comes into being. In California, the prescriptive period is five years; however, the prescriptive period is not limited to the last five years. Any five-year period of use by the public as if it were public land is sufficient, even if in recent years the public has not been able to use the trail. The Attorney General's Prescriptive Rights Manual (attached) describes the methods that should be used in a prescriptive rights investigation. However, we previously discussed that the City may just want to assume in these cases that prescriptive rights do exist and move forward with evaluating the project's consistency with the public access policies of the Coastal Act and the certified LCP, including but not limited to the policies described above.

I notice your email below also mentions alternatives analysis for repair/stabilization of the Van Wycke trail, which is perhaps broader than the trail closure component. I'd suggest referring to our comment letter from earlier this year (also attached) for addressing that broader analysis.

I've cc'd Bob in case he wants to add anything that I may have missed here.

I hope that helps,

~Tamara L. Gedik

Coastal Program Analyst
California Coastal Commission

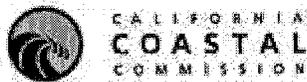
North Coast District Office

1385 8th Street, Ste. 130 • Arcata, CA 95521

E: Tamara.Gedik@coastal.ca.gov

P: 707.826.8950 • **Fax:** 707.826.8960

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From: Trevor Parker [mailto:tparker@shn-engr.com]

Sent: Tuesday, October 29, 2019 12:36 PM

To: Gedik, Tamara@Coastal

Subject: equivalent access

Hi Tamara,

I know we have talked about this in terms of both the Galindo and Van Wycke trails. But I can't find the reference I am looking for. When closing a public trail, equivalent access must be provided. Can you please provide me the Coastal Act policy and/or regulation that that is based on, and any other related guidance you may have. We are working on an alternatives analysis for repair/stabilization of the Van Wycke Trail.

Thanks.

Trever Parker, AICP

Senior Planner

Trinidad City Planner



Civil Engineering, Environmental Services,
Geosciences, Planning & Permitting, Surveying

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Subject: Fw: Galindo Trail closure
From: Trever Parker <tparker@shn-engr.com>
Date: Thu, Aug 13, 2020 12:09 pm
To: "azetter@trinidad.ca.gov" <azetter@trinidad.ca.gov>
Attach: Outlook-1qxmhrps.png
Outlook-kolfxwnn.png

More trail closure correspondence. Most of my discussions with CCC staff have been verbal. So these two emails are the only correspondence I have received.

Trever Parker, AICP

Senior Planner
Trinidad City Planner



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(707) 822-5785 w (707) 822-5786 f

From: Gedik, Tamara@Coastal <Tamara.Gedik@coastal.ca.gov>
Sent: Wednesday, August 5, 2020 6:52 PM
To: Trever Parker <tparker@shn-engr.com>
Cc: Merrill, Bob@Coastal <Bob.Merrill@coastal.ca.gov>; Locklin, Linda@Coastal <Linda.Locklin@coastal.ca.gov>; Kenyon, Cristin@Coastal <Cristin.Kenyon@coastal.ca.gov>
Subject: Re: Galindo Trail closure

Hi Trever,

Thanks for the head's up on this. The LCP as currently certified references in LUP Policy 64 that as part of a pedestrian trail system the trail will "...ascend the bluff at Galindo Street to provide convenient pedestrian access from Edwards Street to the harbor..." Since any approval of a CDP must demonstrate that the development (trail closure) is consistent with the policies of the certified LCP, and the closure of the trail would not be consistent with the LCP as currently certified, I would anticipate the LCP amendment would need to come first. I would also anticipate that the analysis and findings for approval of the LCP amendment and CDP application would be very similar, but the standard of review would be different (i.e., Coastal Act for the LUP amendment; and certified LCP, along with the Public Access policies of the Coastal Act for the CDP application).

As we've discussed in the past, some of the key information we'll need includes the facts supporting the trail closure (we've talked in the past about archaeological and cultural resource studies and I know there are challenges to this that we've discussed in the past and I anticipate discussing further in the future), alternatives analysis, and an analysis of how "convenient access from Edwards Street to the harbor" can be provided in an equivalent time, place, and manner to any envisioned trail closure.

It would be good for our staff to coordinate closely on the necessary analysis and findings that we would need to facilitate this change. Bob is out of the office until next week, but I'm cc'g him on this to keep him in

the loop, as well as Cristin since she is the supervising planner on LCP amendments. I'm also cc'g Linda as our Coastal Access Program Manager. If any of you have anything else to add please do.

Take care,

~Tamara L. Gedik
Coastal Program Analyst
California Coastal Commission
1385 8th Street, Suite 130, Arcata, CA 95521
Phone: (707) 826-8950
Fax: (707) 826-8960
Tamara.Gedik@coastal.ca.gov

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From: Trever Parker <tparker@shn-engr.com>
Sent: Wednesday, August 5, 2020 05:51 PM
To: Gedik, Tamara@Coastal <Tamara.Gedik@coastal.ca.gov>
Subject: Galindo Trail closure

Hi Tamara,

The City will once again be discussing the potential closure of the Galindo Trail as requested by the TAS (it will be on the City Council's August 11 agenda). I am working on a brief staff report to the Council regarding what that process will entail. I have notes from when we discussed it in 2018. One thing that wasn't clear, and it's probably not real important at this point, but would the CDP or the LCP amendment come first? I'll certainly be in touch with you more about this as the process moves along, and the City will be looking to you for guidance. I anticipate that this will be a difficult process on a number of fronts.

Trever Parker, AICP
Senior Planner
Trinidad City Planner



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