

Filed: November 13, 2017  
Staff: Trever Parker  
Staff Report: December 8, 2017  
Commission Hearing Date: December 20, 2017  
Commission Action:

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

APPLICATION NO: 2017-05

APPLICANT / OWNER(S): John Frame

AGENT: Sarah Atkins

PROJECT LOCATION: 770 Underwood

PROJECT DESCRIPTION: Design Review, Variance and Coastal Development Permit to convert the existing kitchen/dining area, which was originally a garage, back into a garage and therapy room. The project also includes the addition of a new kitchen/dining area to the back of the residence and a small addition to the front of the garage that will encroach into the front yard setback (343 sq. ft. total additions). The roofline will increase by approximately 12 inches, but the structure will remain single-story. No increase in the number of bedrooms is proposed.

ASSESSOR'S PARCEL NUMBER: 042-031-16

ZONING: UR – Urban Residential

GENERAL PLAN DESIGNATION: UR – Urban Residential

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

APPEAL STATUS:

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

## **SITE CHARACTERISTICS:**

The property is located on the north side of Underwood Street where the road starts to curve from the west to the north. It is currently developed with a 2-bedroom, single-story, 1,383 sq. ft. single-family residence. The original garage was converted into living space at some time in the past, so the house currently has no garage. The property is accessed from a driveway off Underwood Street. The existing septic system is to the south of the residence. It is small, consisting of an 800 gallon tank on one approximately 28 ft. leachline, but is functioning normally. The lot is generally flat. There are single-family residences to the east, west and south; The Trinidad Elementary School yard is to the north.

## **STAFF COMMENTS:**

The project involves a remodel of and an addition to the northwest and southwest corners of the home. The structure will remain a 2-bedroom, single-story residence, though the roofline will increase by approximately 1-foot. The improvements include: (1) converting the original garage back into a garage and therapy room; (2) adding 8 ft. (102 sq. ft.) to the front of the proposed garage to accommodate the therapy room; and (3) adding a 240 sq. ft. kitchen/dining area to the rear (north) of the house. Because the project alters the external profile of the existing structure, it has the potential to impact neighbors' views, and it is not exempt from a Coastal Development Permit. Therefore, Design Review Approval is required. In addition, the proposed addition to the front (south) encroaches into the front yard setback by approximately 3.5 ft., which requires approval of a Variance. Therefore, both Design Review and Variance findings will need to be made.

Referrals were sent to the City Engineer, Building Inspector and County Division of Environmental Health (DEH). The City Engineer had no comments at this time. DEH also had no issues with the proposed project, noting that there is plenty of room on the property to accommodate a reserve area, and the proposed addition will not encroach on the existing system. The Building Inspector also had no comments other than that a Building Permit will be required along with full sets of building plans for that application.

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

None known; no Commissioners live or own property within 300 ft. of the project.

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

The property where the project is located is zoned UR – Urban Residential. The purpose of this zone is to allow relatively dense residential development; single-family residences are a principally permitted use. The minimum lot size allowed in the UR zone is 8,000 sq. ft. and the maximum density is one dwelling per 8,000 sq. ft. The existing lot is 7,109 sq. ft., which makes it

a legal, nonconforming lot as to minimum lot size. However, nonconforming lots may be developed consistent with other zoning ordinance requirements (§17.64.020).

The existing and proposed project square footages are shown in Table 1.

**TABLE 1 - AREAS**

	EXISTING	PROPOSED
LOT AREA	7,109 s.f.	7,109 s.f.
FLOOR AREA		
<b>Residence</b>	<b>1,383 s.f.</b>	<b>1,476 s.f.</b>
Garage	0 s.f.	250 s.f.
Footprint	1,383 s.f.	1,726 s.f.
FLOOR TO LOT AREA RATIO		
<b>Total Residence</b>	<b>19.5%</b>	<b>20.8%</b>
Total Building Footprint	19.5%	24.3%

According to the site plan and application materials, after the remodel, the floor area of the residence, as defined by the Zoning Ordinance Sec. 17.08.310, will be 1,476 sq .ft. This is less than the maximum guideline of 2,000 sq .ft. suggested in Design Criterion H. Another measure that the Planning Commission uses as a standard is a 25% maximum floor-to-lot area ratio even though it is not codified; this number is based on the fact that 2,000 sq .ft. is 25% of an 8,000 sq. ft. lot. In this case, the residential floor area ratio will increase from 19.5% to 20.8%, again, within the established guideline.

The maximum height allowed in the UR zone (Zoning Ordinance §17.36.06) is 25 feet, (measured from the average ground level elevation covered by the structure to the highest point of the roof, §17.56.100), except that the Commission may require a lesser height in order to protect views. The current height of the east/west roof peak is about 13.5 ft. as measured from the average ground elevation. The proposed height is approximately 14.5 ft., an increase of one foot. Note that the average ground elevation is somewhat difficult to determine because the site has already been graded and built on, but since the site is relatively level, the existing ground elevation is likely close to the average.

The Urban Residential zone (§17.36.050) requires minimum yards of front 20-ft., rear 15-ft., side 5-ft., and street side 15-ft. for corner lots (§17.36.060). The parcel faces Underwood Street to the south. The south addition will have a front setback ranging from 20 ft. to 16.5 ft. at the southwest corner due to the curve in the road. The 16.5 ft. is 3.5 ft. short of the required setback, and therefore a Variance is also being requested as part of this project (see further discussion below). All of the other required setbacks will be met. Features such as decks, balconies and stairways are allowed to extend up to eight feet into front, street side, or rear

yard setbacks and three feet into side setbacks. The modified deck will also meet all required setbacks.

The Zoning Ordinance (§ 17.56.180) requires two off-street parking spaces other than any garage spaces for single-family dwellings. Each parking space is required to be 18' long and 8.5' wide. The existing driveway is less than 13 ft. wide, and only 27.5 ft. long at its longest point from the front of the residence to the property line. That is only enough space to accommodate one parking space that meets the Zoning Ordinance requirements, so technically the property is nonconforming as to parking. But when measured from the edge of the pavement on Underwood, the driveway is 43 ft. long at its longest point, which can easily accommodate two cars parked end-to-end. As proposed, the driveway will be 20 ft. at its longest point from the property line, and about 18 ft. at 8.5 ft. wide. Therefore, it would still accommodate one zoning ordinance compliant space. If measured to the edge of the pavement of Underwood, it would be 35 ft. at its longest point, and 33 ft. at 8.5 ft. wide, not long enough to accommodate two spaces. However, a garage space is being added by the project. Adding a garage space does not justify eliminating other required off-street parking. However, the current configuration only provides one parking space on the property, and the proposed addition will not eliminate that space.

The addition will be located on fairly level ground that is already developed with a structure, and only minimal grading will be required to accommodate the new construction. This site is already connected to services and utilities, and these will not change. Exterior materials and colors, as well as new architectural features are shown on the provided plans. Materials include new horizontal siding to match the existing siding. A standard composite roof is proposed

The Trinidad General Plan and Zoning Ordinance protect importance public coastal views from roads, trails and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. Because the project includes an addition and increases the roof height, there is the potential to impact views from residences located adjacent to or above the structure. Elevations have been provided for this project, and the neighbors have been notified.

#### **SLOPE STABILITY:**

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

#### **SEWAGE DISPOSAL:**

There is no DEH file information for the existing septic system, which means it is old and not built to current standards. However, the system has been inspected and mapped on the site

plan. The current project will not increase the number of bedrooms, but will increase the structural footprint. For projects that do not increase the number of bedrooms but increase the footprint of a structure, current DEH regulations require location of a reserve leachfield to ensure that the addition will not take up the space necessary for it. This is also a requirement of the City's OWTS Management Program. In this case, DEH had no issues with the proposed project, because there is still plenty of room on the lot for a new leachfield. However, the City's regulations are more specific, and therefore, approval by DEH of an official reserve area has been included as a condition of approval.

Though both the tank and leachfield of the current system are undersized, it is functioning normally. However, risers and an effluent filter need to be installed per §13.12.150 of the City's OWTS Ordinance. In addition, the inspection report notes that the tank needs pumping. Therefore, these requirements have also been included as conditions of approval, and will need to be completed as part of the building permit process and prior to issuance of an OWTS Operating Permit.

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

This project does not involve any new landscaping or fencing.

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

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

#### **Design Review Criteria**

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: Minimal grading will be required to accommodate the addition; the lot is flat, and the increased footprint is less than 5% of the lot area.
  
- B. *Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: The project is located adjacent to the Trinidad Elementary School grounds, which are zoned Open Space. However, this is not a traditional, natural open space area. The intent was to keep the

school buildings from expanding into the entire property. The proposed materials and colors are consistent with the existing structure and surrounding development.

- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: Exterior materials and colors will be consistent with the existing structure and surrounding residential development.
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.* Response: No changes in landscaping are proposed at this time. The property is already landscaped. Screening can be found to be unnecessary, because the addition is consistent with the existing structure and surrounding development.
- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No signs are proposed as part of this project.
- F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.* Response: No changes to the existing underground utilities are proposed.
- G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are proposed as part of this project.
- H. *When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
1. *Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.* Response: The square footage of the residence after the proposed addition will be 1,476 sq. ft., well under the maximum guideline.
  2. *Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.* Response: No such development is proposed.

## View Protection

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: This project is visible from the Trinidad Elementary School yard, which is zoned Open Space. However, the addition is consistent with existing and adjacent residential development. In fact, the house will still be smaller than many of the nearby residences even after the addition. In addition, a hedge and other existing landscaping already screen the structure from the school yard.
- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: Due to the project location and adjacent development, it has minimal potential to block public views.
- C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility: and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction.* Response: The project will not be located on a vacant lot, but the addition will result in a residential floor area of only 1,476 sq. ft., under this minimum allowance. However, the roof line will be raised, and private views could be impacted. The neighbors have been notified, but based on the project location, there is minimal potential for view impacts.
- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.* Response: There was no residence that was destroyed by fire associated with this project.
- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that*

*development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards.* Response: The proposed project is not within 100 feet of the Holy Trinity Church, the Memorial Lighthouse, the Tsurai Study Area, or the Cemetery.

## **VARIANCE FINDINGS**

Because a portion of the proposed addition will not meet the front yard setback required by Zoning Ordinance § 17.32.060, Variance findings need to be made in order to approve this project. Govt. Code Section 65906 defines certain limitations to granting a variance. One such provision limits consideration to natural, physical conditions of the property where application of the general regulations would be confiscatory or produce unique hardship to the property owner. City staff, State Law and the Courts have all taken a strict interpretation of Variance provisions, generally only recommending them for severely, physically limited properties. In order to avoid setting precedence, staff does not normally recommend approval of Variances, regardless of their nature or impact, when the owner has alternative options, even though those options may be less desirable, and when there are viable use(s) available on the lot.

In this case, the Variance is fairly minor, and the purpose is to accommodate a disability, which the City has some legal obligations to provide. Under federal and state fair housing laws, local governments have a duty to make reasonable accommodate in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing. I am not well versed in these laws, and the City has no ordinance to implement those requirements. The current Zoning Ordinance does not have any provisions for exceptions to the standards other than the Variance process, so that is what is being used in this case. The Planning Commission should evaluate whether the required findings can be made to approve this project. The following is an explanation of variances from the *California Planning Guide* put out by the Governor's Office of Planning and Research:

*"A variance is a limited waiver of development standards allowed by the zoning ordinance. It may be granted, after a public hearing, in special cases where: (1) strict application of the zoning regulations would deprive property of the uses enjoyed by nearby lands in the same zone; and (2) restrictions have been imposed to ensure that the variance will not be a grant of special privilege.*

*"A variance does not permit a use that is not otherwise allowed in that zone (for example, a commercial use may not be approved in a residential zone by variance). Economic hardship alone is not sufficient justification for approval of a variance. Typically, variances are considered when the physical characteristics of the property make it difficult to use. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed."*

Section 17.72.030 of the Trinidad Zoning Ordinance provides that: “A variance may be granted only upon adoption of written findings showing that all of the following conditions are present” (emphasis added). The required findings are listed below, with some responses from staff. The applicant has also provided a response and justification for each finding, which is attached to this staff report.

- A. *That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class or district.* Response: In this case, it is not so much the exceptional circumstances of the property, but of the person living there and the intended use.
- B. *That owing to such exceptional or extraordinary circumstances the literal enforcement of specific provision of this title would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.* Response: No additional response.
- C. *That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties.* Response: Only a minor exception to the setback requirements is being requested. The Americans with Disabilities Act (28 C.F.R. § 35.130(b)(7)) requires public entities to modify standards, policies and practices so as not to discriminate against Americans with disabilities. However, such an exception has not been codified into City ordinances, so the Variance request has been made. City ordinances do not provide for any other type of exception to the standards. The Planning Commission approved a similar Variance to accommodate an ADA compliant ramp on a nearby property in 2010.
- D. *That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district.* Response: The purpose of the garage is for continued enjoyment of the property and ease of access to the residence.
- E. *That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvement in the vicinity.* Response: There will be no detrimental effect to adjacent properties. The proposed garage will be over 30 ft. from the edge of the existing pavement of Underwood and will not extend further south than the eastern side of the residence.
- F. *That the granting of such variance will be consistent with the general purpose and intent of this title and will be in conformity with the policies and programs of the general plan and the Trinidad coastal program.* Response: Only a minor variance is being requested – a 3.5 foot of encroachment into the required front yard setback. The Zoning Ordinance allows exceptions to setbacks to protect views (View Protection finding C); this is for disabled accessibility and will not change the use of the property.

- G. *That the variance will not permit a use other than a use permitted in the applicable zoning district.* Response: The existing single-family residential use will not change as a result of the project.
- H. *That either the variance will have no significant adverse environmental impact or there are not feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the variance may have on the environment.* Response: The project is Categorical Exempt from CEQA per § 15303 of the CEQA Guidelines exempting minor alterations of and additions to existing facilities. The fact that a Variance is required will not change the environmental impacts.
- I. *When the subject property is located between the sea and the first public road paralleling the sea...* Response: Not applicable.

## **STAFF RECOMMENDATION**

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

Based on application materials, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required Design Review, View Protection and Variance findings in this staff report and approve the project as submitted in the application, 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 can not be made and giving the reasons for the inability to make said Finding(s).

## CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: Building Inspector prior to building permits being issued.*
2. Based on the findings that community values may change in a year's time, approval of this Design Review is for a one-year period starting at the effective date and expiring thereafter unless the project has been initiated through issuance of a building permit or an extension is requested from the Planning Commission prior to that time. *Responsibility: Building Inspector prior to building permits being issued.*
3. Applicant shall demonstrate septic system suitability by obtaining approval from Humboldt County DEH for an appropriately sized reserve area. *Responsibility: Building Inspector to verify prior to building permits being issued.*
4. The applicant shall submit documentation that risers and an effluent filter were installed on the septic tank (or submit documentation from a qualified professional / qualified service provider as to why it is unfeasible) and that the tank was pumped. *Responsibility: Building Inspector to verify prior to building permits being issued.*
5. Construction related activities are to occur in a manner that will not impact the integrity of the septic system. The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the contractor. If the proposed system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The contractor will be required to file a mitigation report for approval by the City and DEH prior to permitting additional work to occur. *Responsibility: Building Inspector to verify prior to building permits being issued and during construction.*
6. Applicant shall direct roof drainage downspouts away from the septic system components. *Responsibility: Building Inspector to confirm at time building permits are issued.*
7. The applicant is responsible for submitting proof that a statement on the deed, in a form approved by the City Attorney, has been recorded indicating that any increase in the number of bedrooms above a total of two bedrooms, or number of dwelling units above one, will require City approval of adequate sewage disposal capabilities and other applicable standards. *Responsibility: Building Inspector to verify prior to building permits being issued.*
8. Construction related activities are to occur in a manner that incorporates storm water runoff and erosion control measures as necessary in order to protect water quality considerations near the bluffs. Specific water quality goals include, but are not limited to:

- a. Limiting sediment loss resulting from construction
- b. Limiting the extent and duration of land disturbing activities
- c. Replacing vegetation as soon as possible
- d. Maintaining natural drainage conditions

*Responsibility: Building Inspector to confirm prior building permits being issued.*

9. Recommended conditions of the City Building Inspector shall be required to be met as part of the building permit application submittal. Grading, drainage and street improvements will need to be specifically addressed at the time of building permit application. *Responsibility: Building Inspector prior to building permits being issued.*

A. The special circumstances applying to the application property reside in the "...intended use..." and are as follows. The permanent resident of this property, and co-owner, is Deborah Frame. Deborah has suffered two acoustic neuromas requiring two brain surgeries. Technically the surgeries were successful in the sense that they removed what would have otherwise been a fatal outcome. Damage from the surgeries include Deborah being deaf with vision and balance impairment and she is consequently disabled. It is therefore necessary that she has a well lit and dry entry into the house. Years ago the garage was converted into a kitchen and dining room. This must now be restored to a garage with direct entry into the house. Applicant has attempted to minimize any conflict with zoning ordinances by moving the kitchen and dining room onto the north side of the house. The proposed garage will largely occupy the previous existing garage space and will not protrude beyond the existing east end of the house which is in compliance. The non-compliance only occurs because a small portion of the proposed garage at the west end of the house sits on part of a 90 degree curve in the street.

B. It is a fact that, "... owing to such exceptional or extraordinary circumstances the literal enforcement of specific provision of this title would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant...". Given the physical disabilities of Deborah it would be dangerous for her not to have safe, dry and well lit entry from the garage directly into the house. The circumstances which present this condition are not attributable (caused by) Deborah.

C. "That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties..." is true. Wheel chair ramps, special conditions for handicapped vans and many other things are required for those with special needs. Applicant is already moving the existing kitchen and dining area out of the garage and onto the north side of the house in a major attempt to minimize any impacts on zoning regulations. The physical therapy and equipment room at the north end of the garage must remain in that location. Given the proposed relocation of the kitchen and dining room a further extension to the north poses construction considerations, costs and layout concerns that are essentially not possible to overcome. Moving the kitchen and dining room from the garage to the north side of the house has exhausted further remedies.

D. Because the variance proposed is to allow for necessary ADA improvements to provide safe, accessible access to and from a private residence, the variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other properties in the same class or district. Accessibility, or ADA upgrades may require a more direct, or 'most feasible' approach, from both a site and economical standpoint, to provide the same, or equal facilitation.

E. "... the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvement in the vicinity...". The small garage extension does not bring the western portion of the garage beyond the same line of sight as the easterly portion of the house. No other properties, nor the public welfare will be affected.

F. Because the granting of such variance would not grant special privilege, allow a non-permitted use, nor be detrimental or have adverse environmental impacts, the granting of such variance would presumably be consistent with the general purpose and intent, policies and programs of the Trinidad General Plan. The requested variance would provide necessary equal accommodations to the property owner, with no affect on the surrounding neighborhood, or Trinidad as a whole.

G. It is true that "...the variance will not permit a use other than a use permitted in the applicable zoning district..." The use will be unchanged from decades of use and use that is permitted the applicable zoning district.

H. It is true "That either the variance will have no significant adverse environmental impact or there are no feasible alternatives...". As written previously applicant has relocated the existing kitchen and dining area to the north side of the house and believes further "feasible" alternative do not exist. There is no adverse environmental impact.

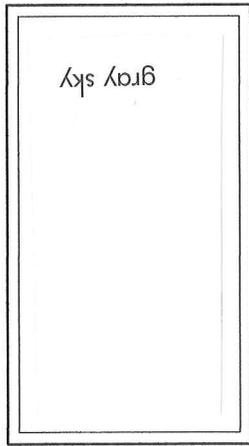
I. The subject property is not located between the sea and the first public road. Hence, the subsequent requirements do not apply.

Additional information:

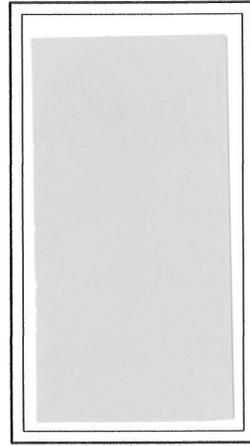
City indicates the easement for Ocean is 40', Trinity 50+' and Edwards 50+'. Edwards has the heaviest traffic load by far of any street in Trinidad and is fed only by Trinity and Ocean which also bear heavy traffic. The proposed remodel is on Underwood which is a dead end street only one block long. With few exceptions the only traffic on the street is residential related and very light. There is no current or historic indication of geological issues. It dead ends into the school property and on the other side of that is the State Park. It is therefore extremely unlikely that the residential use on Underwood will ever expand significantly or that the street will be more than one block long. The easement for Underwood, like Trinity and Edwards, is also 50'. It is unclear why such a wide easement is necessary in this circumstance with a currently paved area of about 20'. The easement width of 50' and the 20' setback on each side combine to create a 90' width, nearly a third the length of a football field, that is unusable without a variance, for residential use. Indeed many of the properties encroach into the setback in one way or another.

Should the city determine a need for additional space in the easement it seems that a fair and balanced way to satisfy that need would be to take that requirement equally from both sides of Underwood. The paved area could be doubled to 40', wider than Edwards, Trinity and Ocean, by taking 10' from each side leaving 10' of the current 50' for any future requirements. This seems unlikely in the extreme and it would still not expand into the 20' setback area.

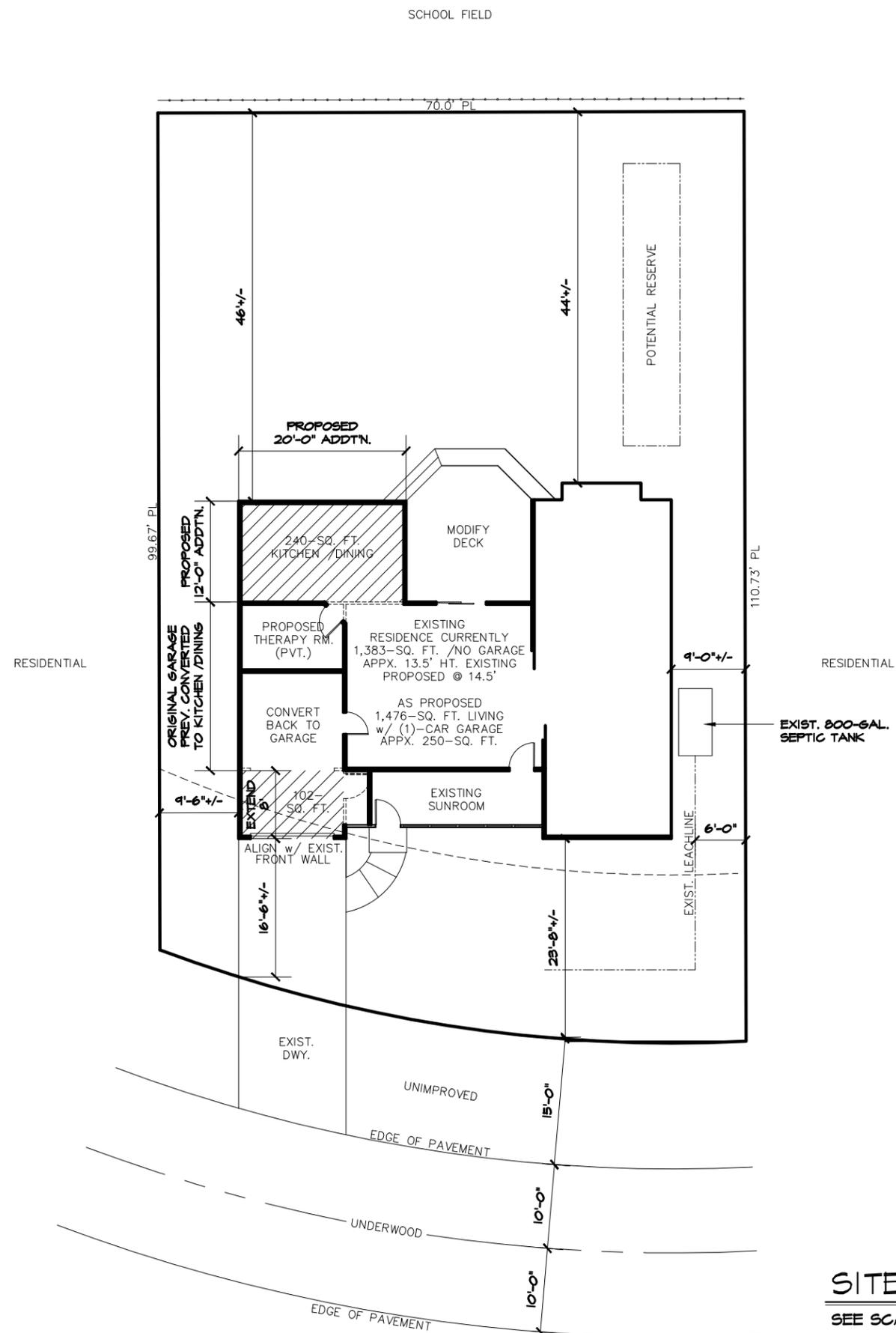
This is a very minor variance which has no current or foreseeable impacts on adjoining properties or the city's interests and only brings the west end of the house into alignment with the east end.



TRIM

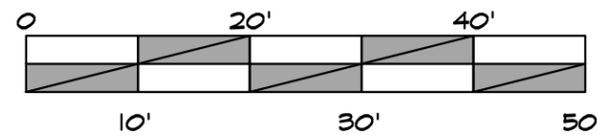


BODY



**SITE PLAN**

SEE SCALE



REVISIONS	BY
12/07/17	SJA

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**PROPOSED RESIDENTIAL ADDITION**

770 UNDERWOOD DR., TRINIDAD, CA AEN 042-031-018

**SITE PLAN**

FOR: JOHN FRANK

Date	OCT. 2, '17
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	1



EXISTING NORTH ELEVATION  
(BACK YARD)



EXISTING WEST ELEVATION  
(SIDE YARD) NOT VISIBLE



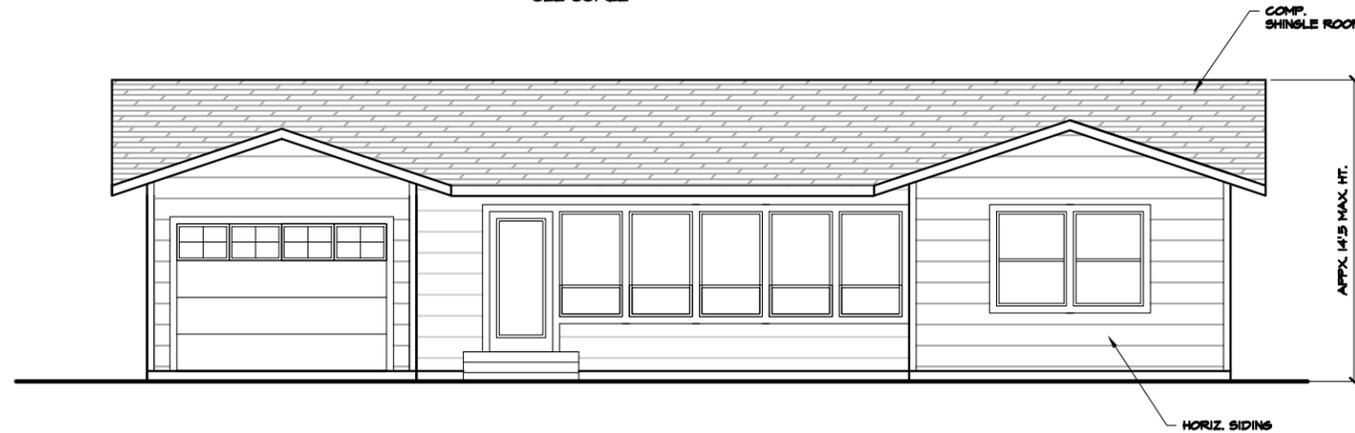
PROPOSED  
NORTH ELEVATION

SEE SCALE



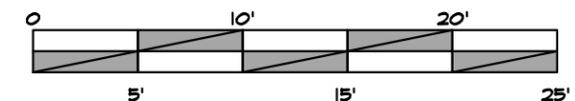
PROPOSED  
WEST ELEVATION

SEE SCALE



PROPOSED  
SOUTH ELEVATION

SEE SCALE



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PROPOSED RESIDENTIAL ADDITION  
ELEVATIONS  
770 LINDENWOOD DR., TRINIDAD, CA  
AEN 042-031-018  
FOR: JOHN ERAME

Date	OCT. 2, '17
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	2

