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Commission Action:	

STAFF REPORT:
REGULAR CALENDAR

APPLICATION NO.:	1-01-039
APPLICANT:	Trinidad Rancheria
PROJECT LOCATION:	Near the Trinidad Pier and the Trinidad Head landform, at Trinidad Harbor, 1 Bay Street, Trinidad, Humboldt County. APN 42-071-08.
PROJECT DESCRIPTION:	(1) Remodel and convert an existing two bedroom house and detached workshop/laundry room to a one-unit two-bedroom, short-term guest lodging accommodation; and (2) repair outdated on-site sewage disposal system by installing a replacement septic tank for the residence, constructing an inter-tie line to the septic disposal system used by an adjacent restaurant, and upgrading the restaurant's grease trap, and in-line septic tank settling and pumping chambers.
LOCAL APPROVALS RECEIVED:	City of Trinidad Conditional Use Permit / Design Review No 2001-07.
OTHER APPROVALS REQUIRED:	Humboldt County Department of Environmental Health Septic Repair Permit.
SUBSTANTIVE FILE	City of Trinidad Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve with conditions the proposed conversion of an existing single-family residence to a one-unit, two-bedroom visitor serving facility on Trinidad Bay. The project entails the renovation of the two-bedroom residence and detached workshop/laundry into a one-bedroom visitor-serving unit with detached second bedroom, and repairing the residence's outdated and possibly failing onsite sewage disposal system by connecting its septic line and making upgrades to the disposal system used by an adjacent restaurant. The project site is located adjacent to Trinidad Bay within the Trinidad Harbor and Upland Support Area, an Area of Deferred Certification (ADC) over which the Commission retains coastal development permit jurisdiction.

The proposed coastal development involves converting the existing residence, a low-priority use under the Coastal Act to a visitor-serving facility, a high-priority use. The project represents an initial business enterprise undertaking by the Trinidad Rancheria who obtained ownership of the Trinidad Pier complex, including the subject residence, adjacent restaurant, boat launch, gift & tackle shop and public parking lot in 2000.

The home site is situated on the lower flanks of the Trinidad Head landform, at a 40-foot elevation and approximately 20 feet above the grade of the pier area. Although the proposed project is located in a bayside setting, the structural improvements are over 100 feet inland from the mean high tide line and associated marine environmentally sensitive habitat areas. Similarly, no terrestrial environmentally sensitive habitat areas are located within or in close proximity to the project site.

The Trinidad Harbor and Pier areas provide a variety of coastal access and recreational opportunities, and support a small but active commercial fishing fleet. The proposed conversion of an existing single-family residence to a visitor-serving facility would not be located in an area where possible interference with these priority coastal uses could result. The remodeling of the residence and septic system repair would occur in an area that is not used for parking and access to beach and boat launching facilities, or commercial fishing staging activities.

The portions of the project that involve ground-disturbing activities (i.e., the installation of the sewage disposal outfall line to the restaurant septic system) do raise a concern regarding the protection of coastal water quality and marine resources. Though the intent of the project is to abate the further release of wastewater from a failing sewage disposal system, if the repairs are not carefully conducted, stormwater runoff could entrain excavated soil materials at the sewage outfall trench resulting in sedimentation of the coastal waters of Trinidad Bay. In addition, stormwater runoff could enter the excavations and co-mingle with wastewater contaminants aggravating sewage system

connection work and possibly result in infiltration of sewerage pollutants into groundwater or coastal waters.

Potential impacts to water quality are addressed through the sewage system repair permit criteria administered by the County of Humboldt Public Health Department's - Division of Environmental Health (DEH). Project work authorized under this coastal development permit has been further conditioned to include measures to ensure that effects to marine resources and public health & safety are minimized. Staff recommends a condition requiring the submittal of an erosion and runoff control plan prior to issuance of the coastal development permit to minimize the risks of polluted stormwater from entering coastal waters.

Although ground-disturbing activities are ideally confined to the drier times of the year to minimize potential sedimentation concerns, a delay in repairing the residence's failing septic system until next spring would result in continued releases of untreated wastewater throughout the winter rainy months. Therefore, to avoid the potential further spread of surface and groundwater contamination, staff recommends allowing the septic system repair work, subject to the use of water quality best management practices detailed within the required erosion and runoff control plan, to be performed this fall and early winter rather than limiting project commencement until after next spring. It is estimated that the sewage system repair work would be completed in one day.

Finally, with respect to potential impacts to coastal visual resources, the proposed visitor-serving facility would be converted from an existing single-family residence without expansion of the existing structure. However, a special condition is recommended requiring that non-reflective materials be used in the remodeling of the structure and that all exterior lighting be low wattage, non-reflective, and have a directed cast downward to ensure that the house remodel is visually compatible with surrounding areas.

Staff believes the proposed project as conditioned is fully consistent with the Chapter 3 policies of the Coastal Act and recommends approval.

STAFF NOTES

1. **Jurisdiction and Standard of Review.**

The proposed project is located within the incorporated boundaries of the City of Trinidad within the upland area of Trinidad Harbor, in Humboldt County. The City of Trinidad has a certified LCP, but the project site is within the "Trinidad Harbor and Upland Support Area," an Area of Deferred Certification (ADC) over which the Commission retains coastal development permit jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-01-039 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of the majority of the Commissioners present.

Resolution to Approve Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the City of Trinidad to prepare a Local Coastal Program confirming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Erosion and Runoff Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

1) EROSION CONTROL PLAN

a. The erosion control plan shall demonstrate that:

- (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and marine resources;
- (2) The following temporary erosion and sedimentation control measures, as detailed in the "California Storm Water Best Management Practices Construction Activity Handbook, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force, shall be used during construction: ESC1-Scheduling, ESC30-Earth Dike, ESC50-Silt Fences, ESC51-Straw Bale Barriers; and
- (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources through the use of re-seeding and mulching of bare soil areas with plant species native to the site.

b. The plan shall include, at a minimum, the following components:

- (1) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control;
- (2) A site plan showing the location of all temporary erosion control measures; and
- (3) A schedule for installation and removal of the temporary erosion control measures.

2) RUN-OFF CONTROL PLAN

a. The run-off control plan shall demonstrate that:

- (1) Run-off from the project site shall not increase sedimentation in waters of Trinidad Bay; and
- (2) Best Management Practices (BMPs) shall be used to prevent entry of stormwater runoff into the excavation site, the entrainment of excavated materials leaving the site, and to prevent the entry of polluted stormwater runoff into coastal waters following construction of the sewage system outfall connection, including but not limited to the following:
 - (i.) stormwater runoff diversion immediately up-gradient of the excavation trenches [see Erosion Control Plan Item 1) a. (2), above]; and

- (ii.) use of relevant best management practices (BMPs) as detailed in the "California Storm Water Best Management Practices Construction Activity Handbook, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force (i.e., BMP Nos. CA24-Sanitary/Septic Waste Management, ESC10-Seeding and Planting, and ESC11-Mulching).

b. The plan shall include, at a minimum, the following components:

- (1) A description of the measures to be used to avoid water quality impacts;
- (2) A schedule for installation and maintenance of runoff control devices; and
- (3) A plan for the installation of structural and non-structural best management practices.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Septic System Pumping

Prior to excavation of trench work for installation of the replacement septic tanks, sewage disposal system inter-tie line, and other septic system upgrades, the existing septic tanks at the residence and the restaurant shall be pumped out by a septic tank pumping contractor licensed in the State of California. Wastewater effluent removed from the systems shall be disposed at an authorized landfill facility or publicly operated treatment works.

3. Design Restrictions

All exterior materials of the structures authorized pursuant to Coastal Development Permit A-1-MEN-01-039, including the doors and windows, shall be non-reflective to minimize glare. In addition, all exterior lights, including lights attached to the outside of any structures, shall be low-wattage, non-reflective and have a directional cast downward.

IV. FINDINGS AND DECLARATIONS.

A. Project Description.

The proposed project consists of: (1) the conversion of an existing 1,000-square-foot single-family residence and detached 600-square-foot accessory structure into a one-unit two-bedroom visitor-serving facility; and (2) the repair of the residence's failing onsite sewage leachfield disposal system by installing a new septic tank and connecting the wastewater line to the septic disposal system for an adjoining restaurant and making certain upgrades to the restaurant system.

1. House Remodel into Visitor-Serving Facility

The remodeling work consists mainly of interior changes to room configurations with exterior treatments limited to the replacement of doors and windows. Neither structure would be increased in size. The existing two-bedroom residence would be converted to a one-bedroom, one-bath house with kitchen, living room spaces. The existing detached workshop/laundry room would be converted into a handicapped accessible detached second bedroom. The purpose of the conversion is to develop a short-term guest lodging facility for single-party bookings.

2. Repair of Sewage Disposal System

The residence to be converted into the guest lodging facilities is served by an outdated, nonconforming sewage disposal system. City building codes and County sewage disposal regulations require that development projects involving improvements to existing structures with nonconforming sewage disposal systems that exceed 50% of the value of the structure must meet current septic system standards. Dye testing conducted in association with securing building and sewage disposal permits for the development revealed that the wastewater disposal system serving the residence is likely to be failing. Therefore, the County Department of Environmental Health has directed that the sewage system be upgraded. The proposed new development includes repairs to the dwelling's existing wastewater disposal system that involve conveying the effluent to the septic system that serves the adjacent restaurant. The repairs would entail: (1) installation of a new 1,200-gallon septic tank at the residence; (2) excavating a trench from the house site down the slope to the graded flat on which the restaurant's septic system is located; (3) increasing the height of the outlet baffle and installing a "T"-outlet valve on the restaurant's grease trap; (4) increasing the system capacity by installing an additional 1,800-gallon septic tank in-line with the existing 7,200-gallon tank; (5) increasing the size of the system's pumping chamber from 55 gallons to 1,200 gallons; and (6) paving the surface above the restaurant's existing 7,000-gallon septic tank to prevent surface drainage infiltration. Following installation of the septic tanks, connection line, and pumping chamber improvements, the excavations would be back-filled with the unearthed materials and re-compacted in place. It is estimated that the sewage system repair work would be completed in one day.

B. Site Description.

The project site is located within the City of Trinidad at Trinidad Harbor between the landforms of Trinidad Head and Little (Trinidad) Head (see Exhibit Nos. 1 and 2). The site is within the privately owned Bob's Boat Basin complex, which includes the Trinidad Pier, Seascope Restaurant, bait shop, and boat launch facilities. In 2000, the harbor properties and improvements were purchased by the Trinidad Rancheria. Although now owned by a tribal entity, petition for acceptance of the property into trust lands status by the federal government has not been pursued by the Trinidad Rancheria. Accordingly, the proposed development is subject to the California Coastal Act's coastal development permitting requirements.

The subject residence is constructed on the lower flanks of Trinidad Head at a 40-foot elevation above Trinidad Bay, a semi-enclosed inlet of the Pacific Ocean. The house lies approximately 20 feet above the graded flat containing other harbor facilities. There are numerous coastal recreational and visitor-serving amenities in the project vicinity, including the privately owned, 450-ft.-long Trinidad Pier, the Seascope Restaurant, a motorized boat launching hoist, a gift and tackle shop, and several storage sheds.

The project setting comprises a small coastal community seaport with significant use by both commercial fishing and recreational boaters. The developed town is located up a steep road above the harbor area. The City of Trinidad is developed primarily with an assortment of residential, retail commercial, and civic uses. Along the waterfront to the east and west of the project site are beach areas primarily in open space uses. These include Indian Beach, the site of the Yurok village of *t'surai*, located approximately 1/8 mile to the east, and Trinidad State Beach, located approximately 1/4 mile to the northwest of the project site.

As noted above, the project site is situated on a graded flat within the lower slopes of Trinidad Head at an elevation of approximately +40 feet above mean sea level (msl) referenced from the National Geodetic Vertical Datum (NGVD). As such, all portions of the proposed project, including its excavations-at-depth would be located above the mean high tide line (+3.18 msl NGVD) and do not involve activities within coastal waters delineated by that elevation. The adjacent pier, while privately owned, is constructed on trust lands transferred by legislative grant in 1986 to the City of Trinidad.

C. Local Appeals.

The project site is within an area of deferred certification, not included within the City of Trinidad's LCP. Consequently, the project area is within the Commission's coastal development permit jurisdiction. The project did necessitate the City's issuance of a conditional use permit and design review. On July 18, 2001, the City of Trinidad's Planning Commission issued Conditional Use Permit and Design Review No. 2001-17 for the project finding that the proposed conversion is consistent with the view

preservation standards of its Zoning Ordinance. The Planning Commission's actions were not appealed to the City Council. The Humboldt County DEH directed that the applicant perform the septic system repairs. Issuance of a septic repair permit is pending.

D. Planning and Siting New Development.

Section 30250(a) of the Coastal Act states in applicable part that:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The intent of this policy is to direct development toward areas where community services are provided and potential impacts to resources are minimized.

The proposed development is situated within a Commercial zoning district where a visitor-serving accommodation is a conditionally permitted use. The project is located in a developed area that is adequately served with water, public road access, and other municipal services. Once the related septic system repairs recommended by the County DEH have been undertaken, the project would be provided with adequate wastewater treatment capacity.

Based on the above conditions, the proposed development is consistent with Coastal Act Section 30250(a) to the extent that it is located in a developed area with adequate water, sewer, utility, transportation, and other public service capabilities, and as conditioned herein, will not have significant adverse effects, either individually or cumulatively, on coastal resources. Therefore, Commission finds that the proposed project is consistent with Section 30250 of the Coastal Act.

E. Protection of Marine Resources and Coastal Water Quality.

Section 30231 of the Coastal Act addresses the protection of coastal water quality in conjunction with development and other land use activities. Section 30231 reads:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantially interference with the surface water flow, encouraging, wastewater reclamation, maintaining natural vegetation buffer areas that

protect riparian habitats, and minimizing alteration of natural streams.
(emphasis added)

The project site is located adjacent to Trinidad Bay, an open embayment of the Pacific Ocean. Although the proposed sewage system repair inter-tie line would be installed over 100 feet from the coastal waters along Trinidad Bay, the proposed excavation could cause polluted runoff containing sediment and possibly untreated wastewater effluent to enter coastal waters if not adequately mitigated.

Effects of Contaminated Runoff

The proposed sewage disposal system septic tank and inter-tie line would be sited between the structures to be remodeled and the Seascope Restaurant. Approximately 20 cubic yards of soil materials would be excavated to install underground the 1,200- and 1,800-gallon replacement septic tanks, the pumping chamber upgrade, and a 50-foot-long connecting line. To stop further wastewater from the failing wastewater disposal system that serves the house from entering the waters of Trinidad Bay, the repair would be conducted upon permit issuance in mid to late December. Storm events commonly occur during the late fall / early winter, with Trinidad receiving approximately 17% of its annual rainfall during the month of December.

Excavation for installation of the septic tanks and connection line and upgrading the grease trap and pumping chamber would expose loose soil and possibly wastewater effluent to stormwater runoff. Stormwater runoff flowing down the hillside slope could entrain loose soil materials that could drain out onto the surrounding ground and sheet flow into the bay adversely affecting water quality. Similarly, wastewater effluent could also enter the bay if the existing septic tank and leachfield lines were not properly pumped out prior to installation of the replacement tank and repair line.

The project description does not identify any preventative measures to avoid the construction and accidental spill impacts identified above. Accordingly, the Commission attaches Special Condition Nos. 1 and 2. Special Condition No. 1 requires approval of erosion and runoff plans prior to permit issuance. The plans are required to ensure that appropriate best management practices (BMPs) to control runoff and prevent spills are implemented in light of expected precipitation events or construction mishaps. These BMPs include timing the construction to occur during times with low probability of storm events, use of earthen diking, straw bales and debris fencing barriers to intercept and divert any stormwater runoff that may occur away from the excavation area, following septic system pumping and hauling protocols, and mulching and re-seeding the area upon completion of the sewage system repairs.

Special Condition No. 2 requires that prior to excavation for septic tank replacement and installation of the septic system inter-tie line that the existing septic tanks be pumped out by a licensed septic tank pumping contractor to ensure that any septic waste remaining in the system is not accidentally released into the surrounding area. The erosion control and

runoff plan requirement together with the pumping special condition will serve to prevent and reduce potential releases of polluted runoff into coastal waters.

The proposed project would prevent continued contamination of surface and groundwater at the site from the failing septic system and thereby prevent further releases of polluted runoff into coastal waters. Special Conditions have been attached to assure that stormwater runoff during the excavation of soils materials will not result in other water quality impacts. Therefore, the Commission finds that as conditioned, the project is consistent with Section 30231 as the biological productivity and quality of coastal waters will be maintained.

F. Public Access.

Coastal Act Sections 30210, 30211, and 30212 govern the provision and protection of maximum public access opportunities.

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.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency

or private association agrees to accept responsibility for maintenance and liability of the accessway.

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

In applying Sections 30211 and 30212, the Commission is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential public access.

The project site is located at Trinidad Harbor. Within ¼ mile to the east, west, and north of the project area are publicly-owned coastal access facilities, comprising the shoreline trails and beaches along Trinidad Bay, Trinidad Head and Trinidad State Beach, respectively. In addition, the private harbor area including the parking lot, shoreline, and pier are open and available for public access use.

The Trinidad harbor area receives heavy seasonal use by a combination of commercial fishermen, recreation boaters, beachcombers, hikers, and other coastal visitors. The site is a popular embarking point for private and chartered ocean fishing excursions, especially during the summer salmon and groundfish (e.g., lingcod, rockfish) seasons. Commercial fishing is also prevalent, especially during the fall-winter Dungeness crab season, commencing on December 1. During the peak boating season (May through mid-September), much of the Harbor Upland Support Area is utilized by restaurant, pier and launch ramp patrons for parking of vehicles and boat trailers.

The proposed project does not have the potential to adversely impact coastal access and recreational facilities as no new aboveground structures would be built that could displace existing public access uses. Proposed construction is limited to remodeling and conversion of the existing house and detached accessory structure to visitor serving facilities and installation of underground septic system improvements. Development would not expand into adjoining upland harbor support areas and would not constitute a significant burden on the use of existing access facilities. Off-street parking for the proposed visitor-serving use would be provided at two existing parking spaces located adjacent to the house. Consequently, the proposed development would not impact the harbor's public parking area. Similarly, repair of the residence's onsite sewage disposal system by connection into the adjoining restaurant's septic system would not result in

substantial interference with access to the Trinidad Pier or adjoining areas for recreational and commercial coastal-dependent users.

The area in which the septic improvements would be installed is limited to an area at the rear of a commercial restaurant and along the slope above the restaurant leading to the existing residence proposed for remodeling. Due to its steep terrain, the commercial activities associated with the restaurant use, and the availability of numerous alternate routes to the pier, beaches, and adjoining open space areas on Trinidad Head nearby, this area is not typically utilized for coastal access. To the extent the area is used for access purposes, the project will have only a temporary impact during construction of the underground facilities. The area will be available again upon completion of the project. Pedestrian and motorized access onto the pier for transporting commercial fishing and recreational equipment to and from vessels moored in Trinidad Bay would also remain open and unimpeded.

Therefore, the Commission finds that the proposed project, which does not include substantial new public access, is consistent with the public access policies of the Coastal Act.

G. Priority Uses.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224 states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

With regard to commercial fishing, Section 30234 provides:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

The intent of Coastal Act Section 30213 is to ensure that there is a balanced mix of visitor serving and recreational facilities within the coastal zone, so as to provide coastal recreational and access opportunities to all economic income sectors of the public. Access to coastal recreational facilities is also enhanced when there are overnight accommodations for all income categories of the public. However, Section 30213 expressly states that the Commission shall not require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or similar visitor serving facility.

Where costs effectively prohibit the retention of existing lower-cost overnight visitor-serving accommodations, and the Commission has approved the demolition and/or conversion of such existing accommodations, the Commission has imposed a per-unit in-lieu mitigation fee to be used to provide alternative, lower-cost overnight visitor-serving accommodations (see Coastal development Permit Nos. A-3-MCO-98-083 (Highlands Inn Investors II, Ltd.) and 5-90-828 (Maguire Thomas Partners)). In assessing an in-lieu mitigation fee, the Commission has calculated the fee based upon consideration of land, improvement, operating, and financing costs, return on equity, development constraints, and the average room rate for lower-cost overnight accommodations.

Although no information has been provided regarding the intended fees for use of the residence, the proposed lodging accommodation is not likely to be a lower cost visitor

serving facility given its exclusivity as a one unit inn and its optimal setting in such a scenic and charming location. However, the Trinidad Rancheria proposal differs from the above cited situations in which in-lieu fees have been required in both its setting and scope. First, the development involves neither the conversion of an existing lower-cost visitor serving facility to a higher cost facility nor the development of a higher cost facility on a vacant site, but rather the conversion of a non-priority residential use to a priority visitor-serving use. Secondly, the development involves establishing only one visitor-serving unit in an area with numerous lower-cost visitor-serving facilities rather than developing a large scale visitor-serving project in an area with few moderately priced accommodations. Within a five-mile radius of the project site are numerous private campgrounds and recreational vehicle parks, one state park, and one county park that offer low-cost overnight camping opportunities. Therefore, the Commission concludes that the project will not result in a reduction in the availability of or opportunities for the development of lower-cost visitor and recreational facilities and finds that the project as proposed without a contribution to an in-lieu fee to establish additional lower-cost visitor and recreational facilities is consistent with Section 30213.

With respect to the project's consistency with Coastal Act Section 30222, the project entails the conversion of a non-priority residential use to a priority visitor-serving commercial recreational facility. Furthermore, as the subject residence is located in close proximity to other shoreline commercial visitor-serving uses, the site is highly suited for such development as compared with more landward sites or areas where residential use is predominate. Thus, the Commission concludes the project is consistent with Section 30222.

Much of the upland area and the harbor supports recreational boating and other coastal recreational uses. Nearby coastal recreational facilities include the 475±-feet-long, wooden-trestle Trinidad Pier, floating dock slips and buoy moorage for approximately 400 boats, a multi-ton mechanized boat launch, a small boat self-launching beach ramp, restaurant, tackle and gift shop, and hiking trailheads to the Trinidad State Beach, Indian Beach and Trinidad Head areas. The project does not involve any expansion of the structures or above ground facilities at the site. In addition, the project as proposed would provide a one-unit accommodation facility that would provide support to users of priority recreational facilities currently existing at the harbor. Therefore, the project will not displace or adversely affect upland support areas for recreational boating and other coastal recreational uses and is consistent with Sections 30224 and 30223.

Finally, the development is located in an area and would be conducted in a manner that would not displace or adversely affect commercial fishing. The proposed project would not interfere with pedestrian or motorized access to boat launching and mooring facilities on the pier, reduce the number of available mooring spaces, or encumber support facilities such as parking areas. Accordingly, the project is consistent with Section 30234.

Therefore the Commission finds that the project as conditioned is consistent with the policies and standards of the Coastal Act addressing the protection of priority uses within the coastal zone, including providing and protecting lower-cost visitor-serving facilities, giving priority to development of commercial recreational uses on private lands suitable for such uses, reservation of upland sites for supporting coastal recreational facilities, encouraging recreational boating uses, and protection of commercial fishing.

H. Visual Resources.

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The project site is located along the shoreline of Trinidad Bay. The striking natural landforms in the harbor, the sweeping coastal vistas, and the small coastal harbor town ambience make Trinidad one of the most picturesque areas along the North Coast. Although not the standard of review for the project, the City of Trinidad's LCP (partially certified 7/9/80) does provide some guidance with respect to visual resources in the project area. The LCP acknowledges the general environs of the harbor area as being highly scenic. For example, in describing the recreational setting of the community, the LCP states:

The coastal bluffs behind the beaches are generally unstable and provide a scenic backdrop for the beachfront environment... Protection of open spaces and retention of scenic and natural characteristics along the Trinidad shoreline is a matter of continuing public concern. [Recreation, p. 38]

In describing residents' and visitors' impressions of the City's character, the LCP observes:

In Trinidad they experience rugged coastal headlands and islands, beaches and surf, the vast expanses of ocean, the sound of the whistler buoy, the cozy harbor with fishermen unloading their salmon, children poking among tidepools, seals barking in the distance, homes tucked into the hillside looking out over each other at the scenery, and boats, burls driftwood and crab pots in the yards. [Community Design, p. 40]

In recommending policies for establishing development preferences, Policy 73 states:

Trinidad Bay and the bay bordering Trinidad on the west, including all their islands, shall be preserved in their present state. These marine areas

offer two of the most uniquely beautiful views, combining ocean, islands, bay and rugged, timber shorelines, that can be found anywhere along the California coast. The islands provide habitats for marine organizations (*sic*) and serve as refuges or rookeries for birds and marine mammals, including sea lions and harbor seals. A breakwater, mooring expansion, or other harbor development should be visually compatible with the bay vista. [Community Design, p. 41]

The project components that affect coastal visual resources include renovation of the residence's exterior and the on-site storage of excavated trench materials. The renovation work to the exterior of the residence primarily will involve the replacement of windows and doors, and the installation of exterior security lighting. Depending upon the design and appearance of these items, the visual resources of the Trinidad Pier area could be adversely impacted. For example, the use of reflective glass could create glare that would adversely affect views within the harbor and from boats at sea. Exterior lighting if not properly shielded and oriented could shine onto adjacent properties and resource lands areas causing glare and disrupting habitat values.

Besides any permanent impacts on visual resources resulting from the choice of windows, doors, and lights, the proposed development will have temporary aesthetic impacts on visual resources. Approximately 20 cubic yards of soil materials would be excavated and temporarily placed alongside the trench for the replacement tank and sewerage inter-tie line on the slope leading down from the subject residence to behind the restaurant located near the base of the Trinidad Pier. This grading work could appear unsightly during the time the project is being developed.

To implement the LCP visual resources policies, the City established a Design Assistance Committee (DAC) responsible for reviewing and approving the design of all development proposals including the proposed project. On July 18, 2001, the City of Trinidad Planning Commission, acting as the DAC, issued a design review approval for the project. The approval was based on the following design criteria and view protection findings:

Design 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.
- B. Though the proposed project is near an area zoned Open Space, it has been designed to be constructed of materials that reproduce natural colors and textures as closely as possible.

- C. Materials and colors used in construction are compatible with both the structural system of the building and the appearance of the building's natural and man-made surroundings. The project consists of wood siding, glass, and standard roofing material.
- D. No landscaping has been proposed as part of this project nor is it necessary to screen or soften the visual impact of the new development.
- E. No on-premise signs are proposed for this project.
- F. The proposed project will require underground utility service connections.
- G. No off-premise signs are proposed as part of the project.
- H. The size of the proposed structure is 1600 s.f. Residences more than 2,000 s.f. in floor area are considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive. The scale, bulk, orientation, architectural character of the structure, and related improvements can be found to be compatible with the rural, rustic, uncrowded, unsophisticated, small, casual, open character of the community. This project meets that criteria.

View Protection

- A. The proposed building may be visible from portions of the beach and Trinidad Head. The proposed project does not result in significant changes from those viewpoints.
- B.,C. The project does not significantly obstruct views of the Harbor, Little Trinidad Head, Trinidad Head, or the ocean from public roads, trails, or vista points. As a result of information in the application package, site review and comments during the public hearing, views from affected residences have been determined not to be significantly blocked by the construction.
- D. No previous residence was removed or destroyed by fire.
- E. The proposed residence is not located within 100' of the Tsurai Study area, the Trinidad Cemetery, the Catholic Church, or the Memorial Lighthouse.

Based on these findings, the City concluded the project to be consistent with all applicable City standards and applied no specific permit conditions to offset potential impacts to visual resources.

To further ensure that exterior work conducted during the conversion of the single-family residence to a visitor-serving accommodation does not result in adverse impacts to visual resources, the Commission attaches Special Condition No. 3. Special Condition No. 3 sets design standards for doors, glazing, and lighting to be installed during the remodel, requiring the applicant to use non-reflective materials to eliminate glare, and directing that lighting be low-wattage and directed in a downcast direction.

As regards the sewage disposal system repair work, the trenching area may be visible from public recreational lands and thoroughfares leading to Trinidad Pier area. With respect to compatibility with the visual character of the surrounding area as regards the placement of soils materials unearthed during trenching for the septic system repair work, the periphery of the parking lot near where the excavated materials would be placed is routinely utilized for the long-term storage of harbor and commercial fishing equipment. An esoteric assortment of netting, floats, trawling winches, docking components, and other maritime apparatus are routinely stored nearby. Given the character of the setting, the modest height of the excavation berm (± 3 feet), and the temporary (one day) nature of the use, on-site storage of unearthed soils at the locations proposed would be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

Thus, as conditioned, the project would be consistent with the standards of Section 30251. Views to and along the ocean and scenic coastal areas will be protected as the existing structures will not be expanded and thereby not block additional views. Moreover, by applying design criteria for the exterior modifications to the existing residence aesthetic and glare impacts would be mitigated by avoiding the use of reflective windows and upward cast lighting. Similarly, the alteration of natural landforms will be minimized as the excavation work being performed would not permanently change the landform because the site excavated for installation of the sewage system improvements would be returned to its existing condition, mulched, and re-seeded. Furthermore, the development will be visually compatible with the character of surrounding areas as the bulk and scale of the above ground development is not permanently changing and the materials and lighting will be restricted to avoid glare impacts.

Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Section 30251 of the Coastal Act as the development will: (a) insure that permitted development is sited and designed to protect views to and along the ocean and scenic coastal areas; (b) minimize the alteration of natural land forms; and (c) be visually compatible with the character of surrounding areas.

The Commission notes that future development that might be proposed at the site will not be exempt from coastal development permit requirements pursuant to the exemption under Coastal Act Section 30610 for additions to structures other than single family residences. The Commission's regulations state that such additions to structures within 50 feet of a coastal bluff pose a risk of substantial adverse environmental impact and thus are not exempt. Accordingly, as future additions are not exempt, the Commission will be able to review a permit application for any further development proposed to modify the overnight accommodation for its potential impacts on visual resources, including any proposal to install signage.

I. California Environmental Quality Act.

Section 13906 of the Commission's administrative regulation requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant environmental effects of the project that were received prior to the preparation of the staff report. Mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

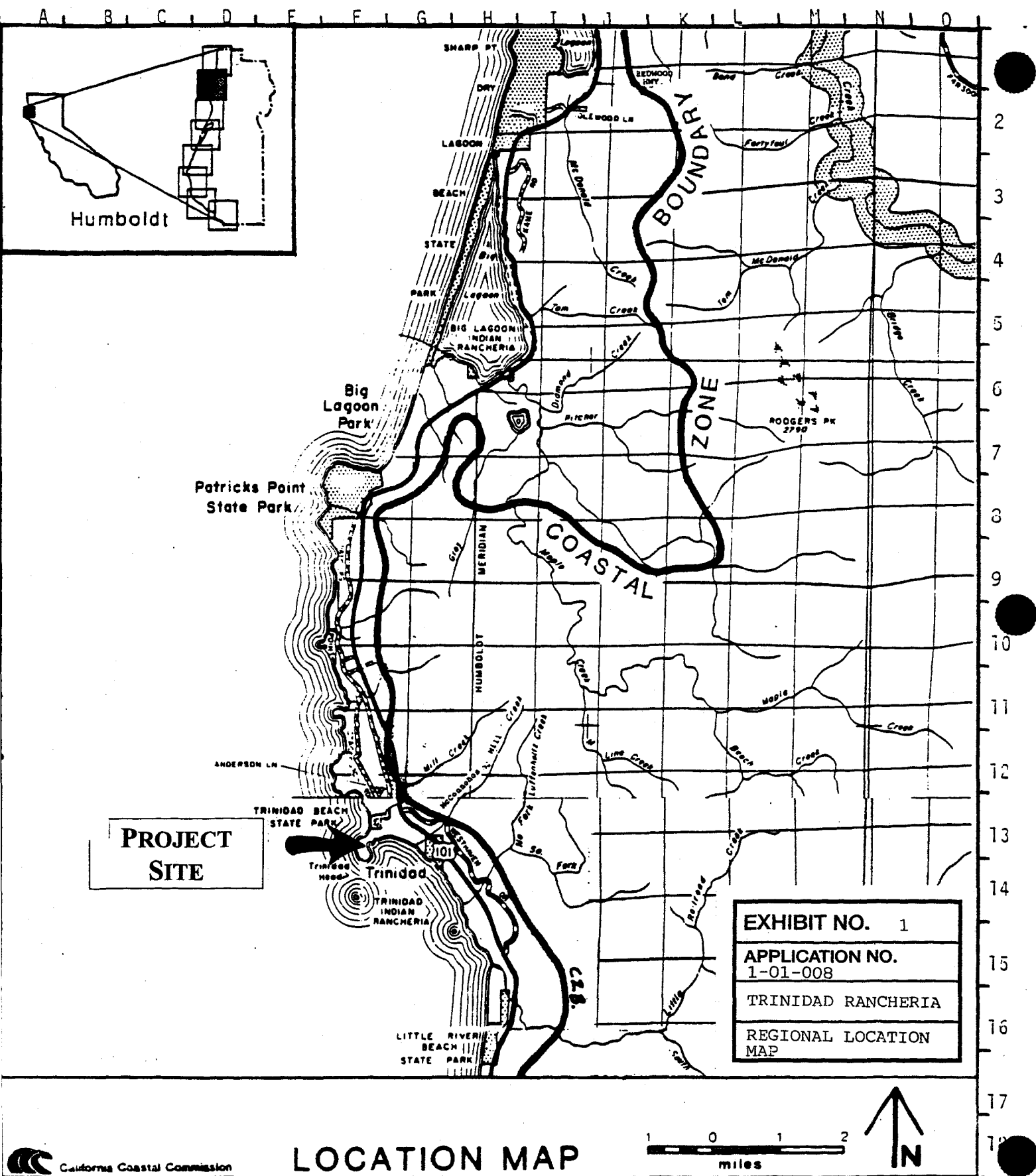
EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Assessors Parcel Map
4. Visitor-Serving Facility Remodel Project Site Plans
5. Sewage Disposal System Repair Site Plan

ATTACHMENT A:

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



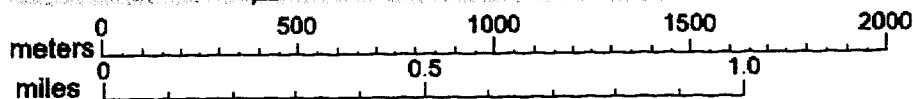
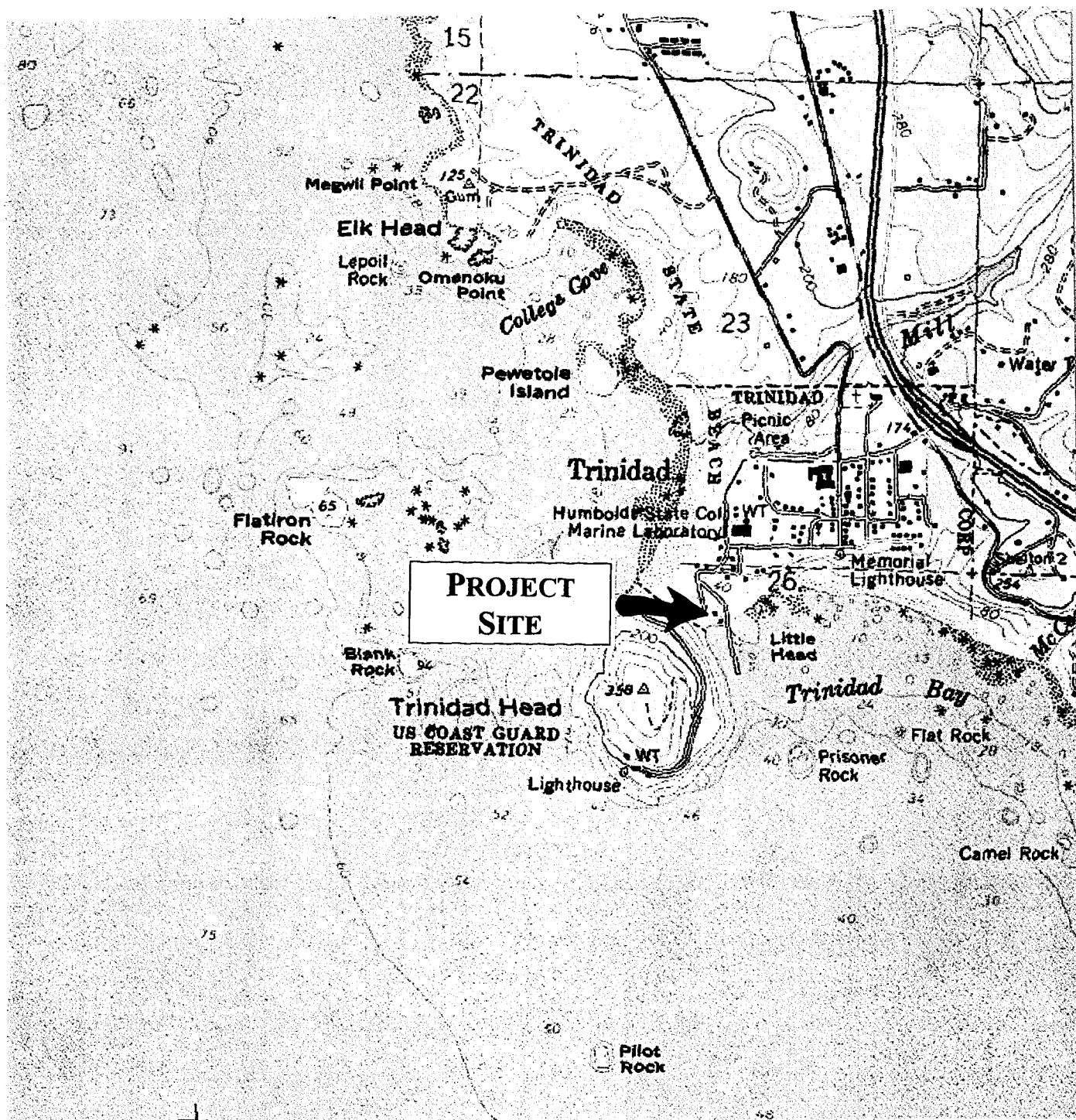


EXHIBIT NO.	2
APPLICATION NO.	1-01-008
TRINIDAD RANCHERIA	
VICINITY MAP	

42-07

1"=100'

TOWN OF TRINIDAD

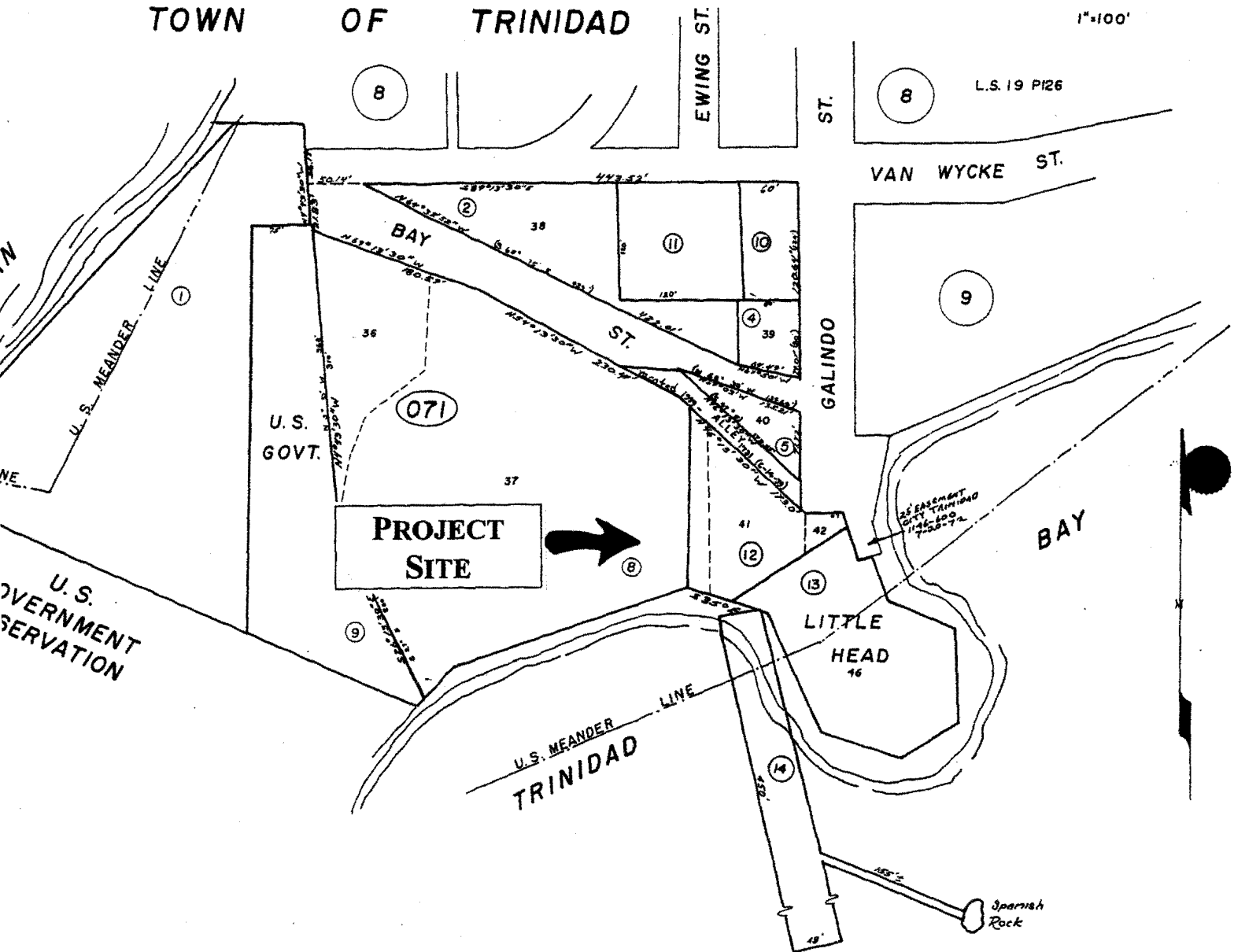


EXHIBIT NO. 3

APPLICATION NO.
1-01-008

TRINIDAD RANCHERIA

ASSESSORS PARCEL
MAP

EXHIBIT NO.	4
APPLICATION NO.	1-01-008
VISITOR-SERVING FACILITY REMODEL	
PROJECT SITE PLANS (1 of 5)	

RE: FIRE SERVICE
TRAIN, 2" Ø PVC SCH 40.
LOST EXTERIORLY
(LINE)

AP#
12-071-C8

DAY STREET

PARKING

PARKING

PARKING

2 STANDARD
SPACES

CONVERT (E) SHOP TO
1 BEDRM. &
ACCESSIBLE
BATH

EXISTING
'SHOP'
'GOOSE'

EXISTING
'RES.'
(2-BEDROOM)
'GOOSE'

CONVERT (E)
2 BD. HOUSE TO
1 BEDROOM HOUSE

SEASCAPE
RESTAURANT

TOP OF SLOPE

30

20

10

BOTTOM OF SLOPE

95' ±

70' ±

18'

OVERFLOW
LINE

PLASTIC
PIPE

E SLOPE

E SLOPE

LINE

LINE

10'

12'

10'

10'

10'

10'

10'

10'

10'

10'

10'

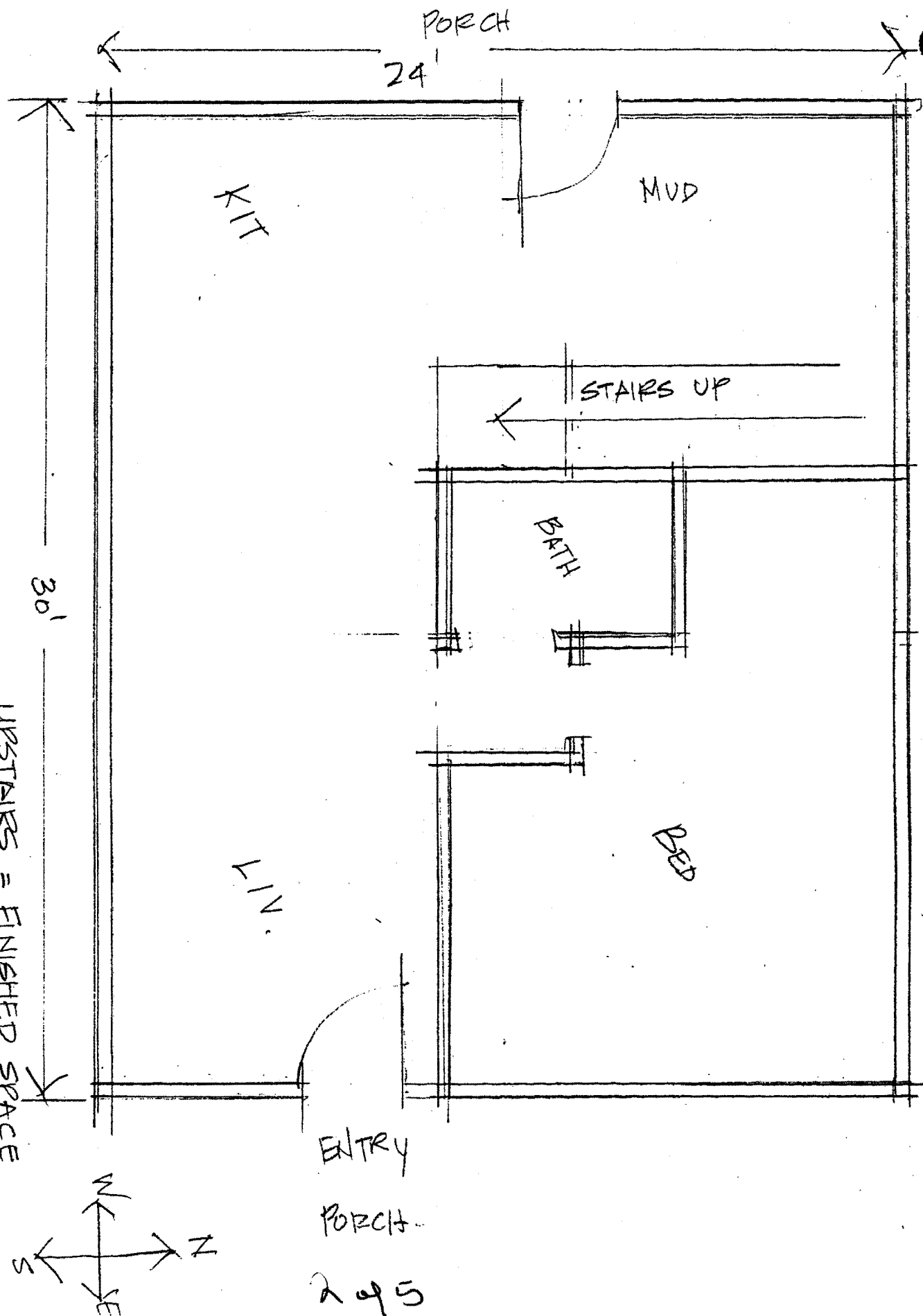
10'

10'

10'

10'

MAIN HOUSE
(EXISTING)
1/4" = 1'-0"

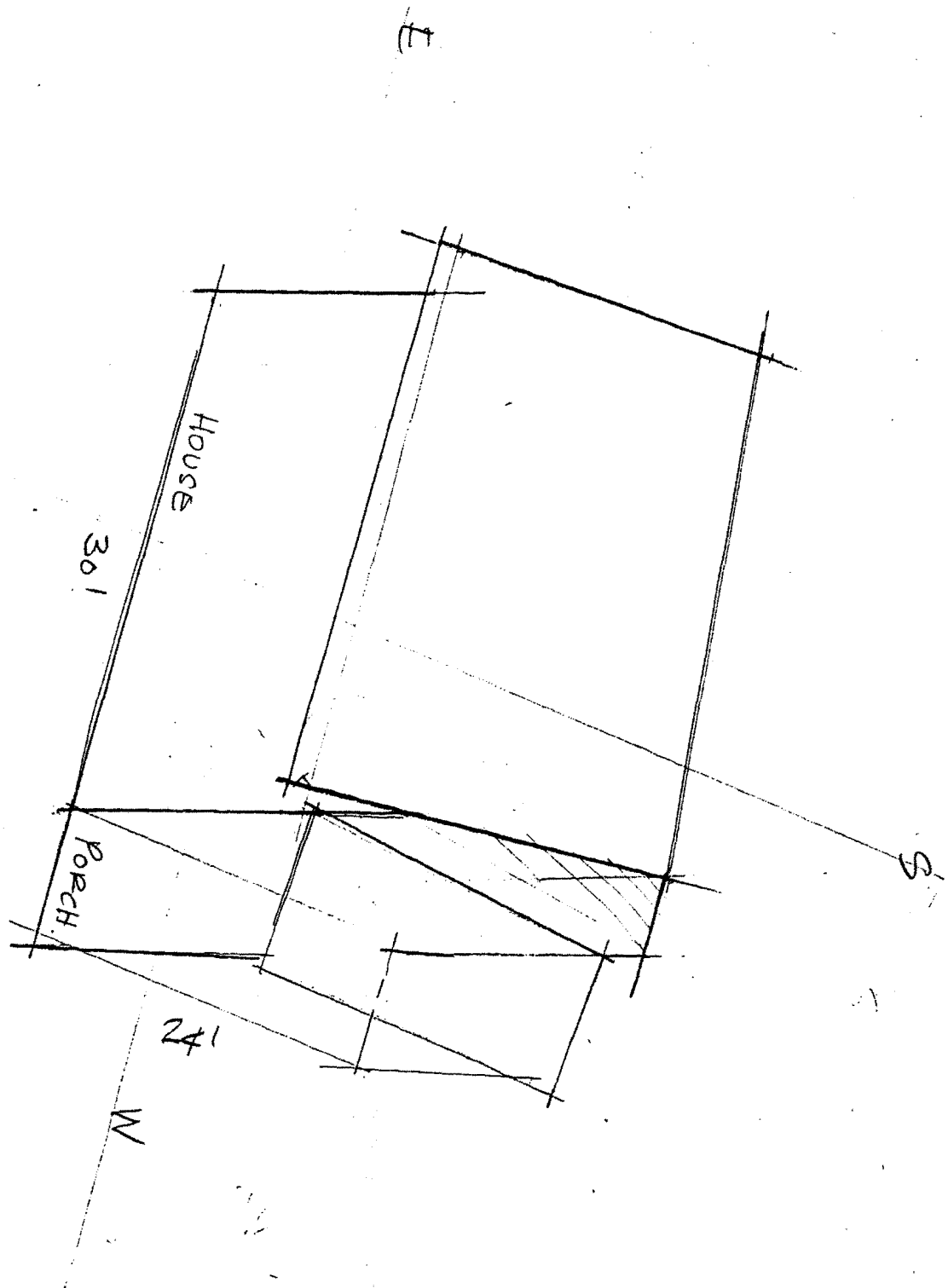


UPSTAIRS = FINISHED SPACE
NOT CONFORMING TO
A LEGAL BEDROOM

ENTRY
PORCH
2 of 5

3D VIEW
NO SCALE

MAIN STRUCTURE (EXISTING HOUSE)



305

CONCEPTUAL PLAN
1/4" = 1'-0"
CONVERTED SHOP.

30'

<E>
WINDOW

<E>
WINDOW

<E>
WINDOW

<E> WALL
STAY

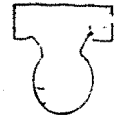
NEW
WALL
ASSEMBLY

CONC SLAB

8' CELL.

NEW
ACCESSIBLE
BATHROOM

(S)



ACCESSIBLE
TUB/SHR.

LIN

<E> STAY
30
DOOR

<E> STAY
LAUNDRY

<E>
WINDOW

<E>
WINDOW

<E>
WINDOW

<E>
4\"/>

545

< PROPOSED >
REPLACE 40 DODGE W 60 FRENCH

ALL EXTERIOR REMAINS AS IS
EXCEPT WHERE NOTED "PROPOSED"

WEST FACING

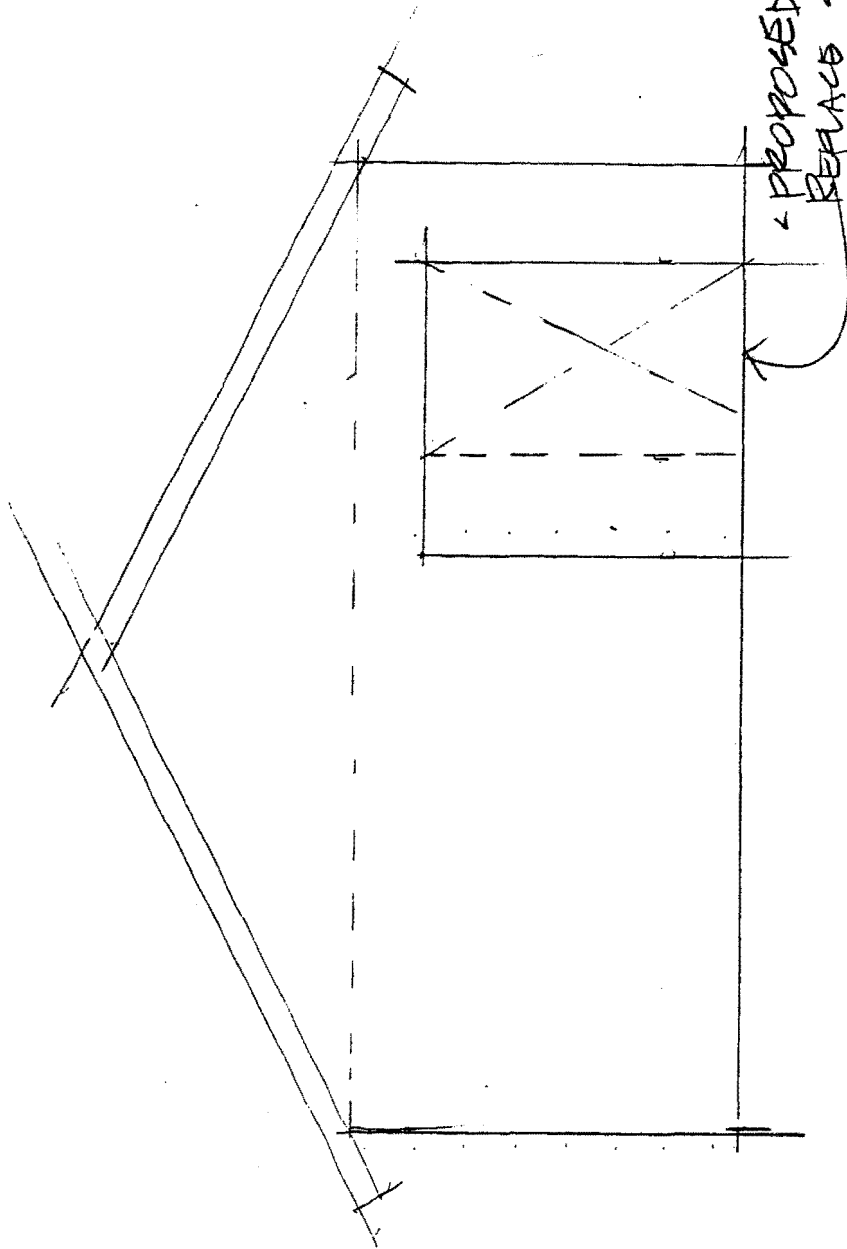


EXHIBIT NO. 5

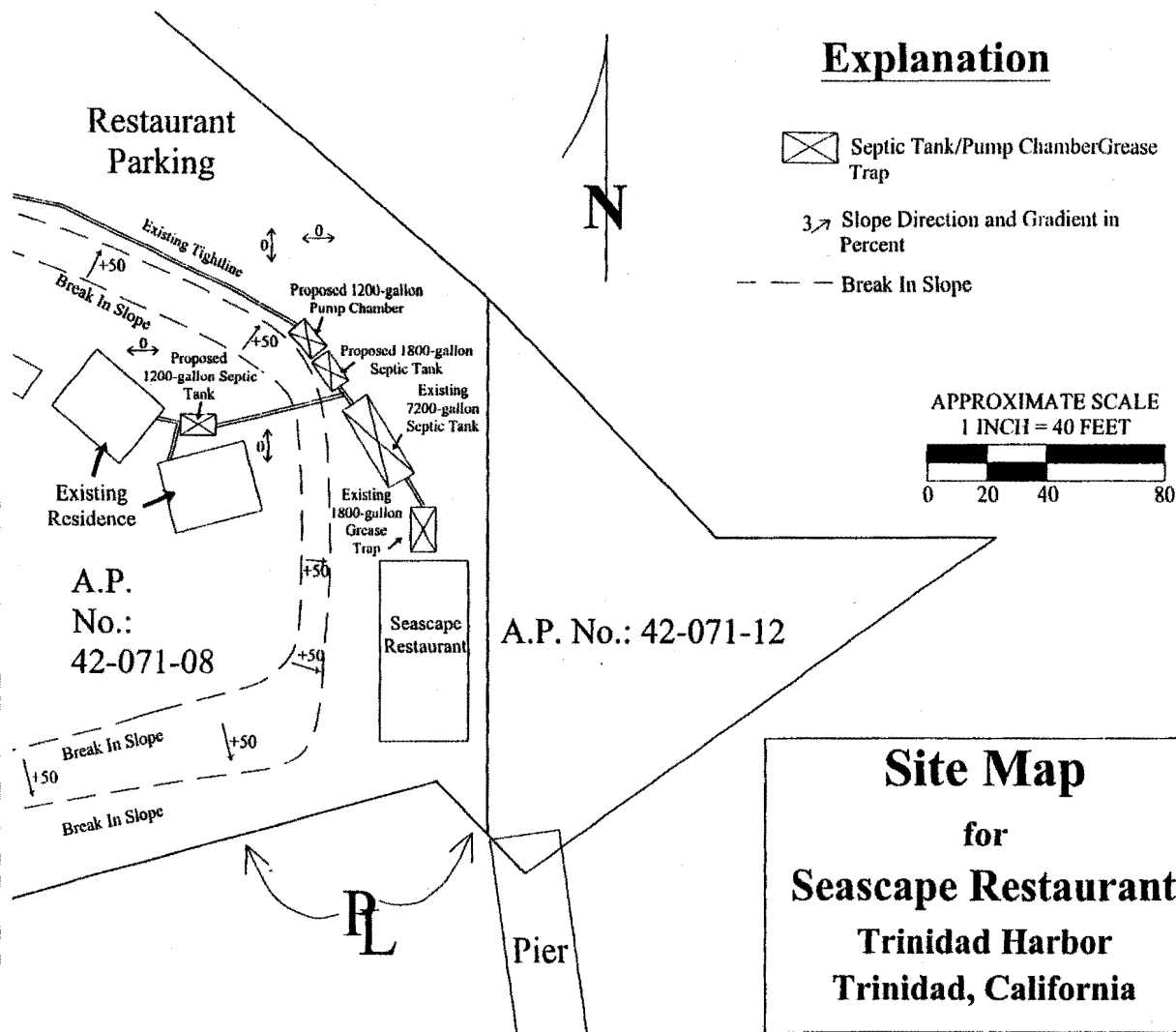
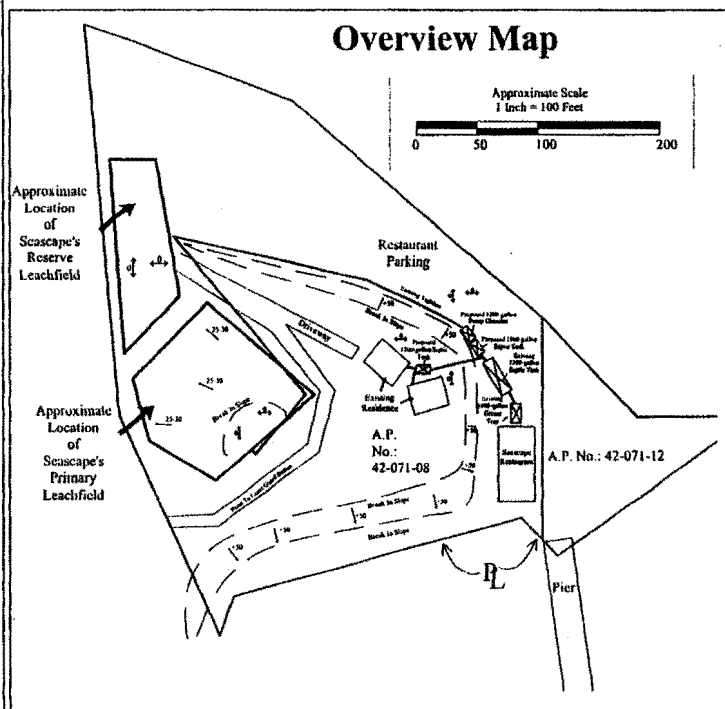
APPLICATION NO.

1-01-008

SEWAGE DISPOSAL

SYSTEM REPAIR SITE
PLAN

ALL LOCATIONS APPROXIMATE



Site Map
for
Seascope Restaurant
Trinidad Harbor
Trinidad, California

A.P.N. 42-071-12 & 08

ONSITE SEWAGE TREATMENT EVALUATION

Base Map by: Vroman Engineering & Construction, Eureka, CA 1984
Site Map Prepared by: Kathy Molcy
Pacific Watershed Associates, P.O. Box 4433, Arcata, CA 95518

November
2001

Figure 1B