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LCP-1-TRN-19-0041-1 (REINMAN REZONE)

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APPENDICES

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APPENDIX A

EXCERPTS FROM THE CITY'S CERTIFIED LCP

LCP Policies Regarding Planning and Siting New Development

Appendix A of the certified LUP describes the purpose and intent of and allowable uses in the Planned Development land use designation as follows:

The PD category identifies areas that are: (1) essentially residential where limited commercial activities may be appropriate subject to special integrating design; or, (2) sites which, because of their location, are suitable for one or more types of uses but where considerable design flexibility is needed to adapt the use to the site and to surrounding areas. In addition to allowing the types of housing prescribed in the Housing Element the PD category may include visitor accommodations and services, commercial uses, and recreational uses consistent with the residential character of the city and the natural and scenic features of the site and overall surroundings. Campgrounds and Recreational vehicles parks are not considered appropriate visitor accommodations in the PD category. Intensity of development should not exceed that allowed in the Urban Residential category or waste disposal constraints, whichever is more restrictive.

Section 4.07 (aka 17.36.010) of the Zoning Ordinance of the City of Trinidad (ZOCT), the City's certified IP, describes the intent and allowable uses of the PD district consistent with the PD designation as follows:

The PD zone is intended to be used in areas designated as planned development in the general plan. These areas are either residential areas where limited commercial activity may be appropriate, subject to special integrating design, or they are areas where design flexibility is needed to adapt appropriate uses to the site and to surrounding uses. Limited commercial uses, including visitor accommodations, visitor services, recreational uses, offices, gift shops and personal services may be appropriate. The PD zone is not intended for campgrounds and recreational vehicle parks.

Section 4.07 of the certified ZOCT states in part the following:

A. Uses permitted with a use permit...

2. Motels, inns, gift shops, restaurants (not drive-in), personal services, professional offices, retail sales and visitor services...

B. Other regulations...

2. Maximum density: The number of dwelling units permitted shall be determined by dividing the net development area by 8,000 square feet. Net development area shall be determined by subtracting the area devoted to commercial uses including yards, open space, parking and access roads serving commercial uses, and areas over 30% slope. If septic tanks are the intended

means of wastewater disposal, density shall be based on soil suitability and the requirements of the city's wastewater disposal regulations...

The **certified LUP** includes the following policies requiring adequate services to support development (emphasis added):

9. Areas with soils limitations for septic tanks can be designed for low density development provided adequate site analysis, system installation, and maintenance necessary to prevent degradation of water quality and public health is required by responsible governmental agencies.
 22. The City should promote an active, on-going water conservation program to help keep user charges as low as possible. The City conservation program should extend to upgrading outdated portions of the system to eliminate leakage.
 23. The City shall continue to monitor water consumption. In addition, the City should pursue a program to monitor water quality and quantity both within the City system and in Luffenholtz Creek. The City shall implement well-defined, quality programs of operation and maintenance.
- 23a. Users within city limits should be given preference for service connections.

LCP Policies Regarding Visitor- Serving Priority Uses

Section 6.26 (aka 17.56.190) of the certified ZOCT, Regulations on Short Term Rentals, states in part the following:

F. Maximum Number of Short Term Rentals

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, no new Full-time STR licenses shall be issued by the City if the total number of Fulltime STR Licenses would exceed 19 in the UR Zone and 6 in the SR Zone, with no limit in other zones. An additional 6 Resident STR Licenses shall be allowed in the UR Zone, with no limit in other zones. Additional Resident STR Licenses may be granted in the UR Zone with approval by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06- 7.18) of the Zoning Ordinance.

G. Location

STR's are permitted only in legally established dwellings within any zoning district. Each separate STR must obtain its own, individual STR License. There shall be no more than one STR per parcel.

No new STR within the UR zone shall be located where it shares a property boundary with a property containing another STR within the UR zone.

Either of these location standards may be modified through an exception approved by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06 7.18) of the Zoning Ordinance. Such an exception shall only be valid as long as the associated STR license is maintained.

H. One STR License Per Owner

No new STR license shall be issued for a property in the UR or SR Zone if the owner already holds another STR license unless there are fewer than the maximum number allowed pursuant to §17.56.190.F (6.26. F) and no other names are on the wait lists. This limitation shall not apply to renewals of existing STR licenses.

LCP Policies Regarding Hazards Minimization

Policy 2 of the LUP's "Constraints on Development" chapter states:

Provisions in the Uniform Building Code (Chapter 70) regarding grading on slopes should be used to ensure that owners of unstable lands or lands of questionable stability do not create slope stability problems.

Policy 3 of the LUP's "Constraints on Development" chapter states:

Structures, septic tank systems, and driveways should not be located on unstable lands. Structures, septic tank systems, and driveways should only be permitted on lands of questionable stability, or within 100 feet upslope of unstable lands or lands of questionable stability, if analysis by a registered geologist indicates that the proposed development will not significantly increase erosion, slope instability or sewage system failure. The area reserved for the backup leach field should be given equal consideration.

Section 6.13 of the ZOCT, Shoreline Protection and Alteration [Regulations], states the following, in applicable part:

...

Before any dam, dike, fill, groin, revetment, breakwater, retaining wall or similar structure...shall be constructed or undertaken within the city, the applicant or lead agency shall provide the city with a project description, environmental analysis and evaluation of the potential impacts of the project on the character and function of the affected environment, the social and economic character and function of the city and its residents. Such uses shall be subject to a use permit. The use permit shall not be granted unless the Planning Commission determines that the project conforms with the General Plan and will not create undesired impacts on the environment or the community.

Section 6.19 of the ZOCT, Design review and view preservation regulations, states the following, in applicable part:

The following regulations shall apply in all zones:

...

C. Design criteria. The design assistance committee shall be guided by the following criteria when evaluating the land form alterations and constructions of structures...

1. The alteration of natural land forms caused by cutting, filling and grading shall be minimal. Structures should be designed to fit the site rather than altering the land form to accommodate the structure.

Section 4.02(B)(4) of the ZOCT, [Regulations for the] Open Space or OS Zone, states the following, in applicable part:

B. Uses Permitted with a Use Permit

...

4. Structures and improvements, such as seawalls and revetments, related to the protection or maintenance of scenic and cultural resources, beaches, coastal bluffs and buildings threatened by natural processes.

Section 4.03 of the ZOCT, [Regulations for the] Special Environment or SE Zone, states the following, in applicable part:

...

C. Other Regulations

...

5. Requirements for structures on ocean bluffs: No structure shall be placed on, or extended beyond the face of a bluff and no tunnel or shaft shall be sunk into the bluff face, except that the following structures may be placed on the bluff face, except that the following structures may be placed on the bluff face and alterations made thereto subject to obtaining a use permit:

- a) Stairways, ramps and other structures or devices designed and intended to provide public access from the top of the bluff to the beach, provided that construction thereof shall not require excavation of the bluff face except to the extent necessary to accommodate placement of vertical or lateral support members;
- b) Fences of non-view obscuring type along the bluff top, as reasonably necessary to deter trespassing or to discourage indiscriminate transverse upon the bluff face;
- c) Bluff repair and erosion control measures such as retaining walls and other appropriate devices, provided, however, that such measures and devices shall be limited to those necessary to repair existing man-caused damage to the bluff face; provided further that no such measures or devices shall cause significant alteration in the natural character of the bluff face.

LCP Policies Regarding Visual Resources

The certified LUP includes the following policies related to protection of visual resources and maintaining community character:

Policy 71 of the LUP’s “Development Options & Preferences” chapter states:

The city shall establish a design assistance committee with responsibility for approving the design of all development proposals including signs and building relocation. The committee should not be concerned with construction of accessory structures, normal maintenance such as painting, or minor exterior remodeling.

LUP Policy 72 requires the following:

The beaches and sea cliffs which border the southern and western sides of the city (identified as Open Space) shall be preserved from further development and allowed to remain in their present, essentially natural, state.

LUP Policy 74 requires the following:

The lands designated as open space lying seaward of Edwards and Van Wycke Streets shall remain entirely undeveloped and preserved in their present state. It is from these lands that the unparalleled view to the south is obtained.

LUP Policy 76 states (in reference in part to the historic Holy Trinity Church located adjacent to the subject property to the west):

The design assistance committee should ensure that any proposed development does not detract from these historical sites and structures.

Section 6.19 of the ZOCT, “Design review and view preservation regulations,” states the following, in applicable part:

The following regulations shall apply in all zones:

A. Purpose. The small scale of the community and its unique townsite, affording spectacular views of the coastline and ocean horizon, define the character of Trinidad. Maintaining this character is essential to the continued desirability and viability of the city. A design assistance committee, consisting of the Trinidad Planning Commission and one member of the City Council, is hereby established to review new developments to ensure their consistency with the character of the city and to minimize their impact on important vistas.

B. Applicability. Relocation, construction, remodeling or additions to structures, and alteration of the natural contours of the land shall not be undertaken until approved by the design assistance committee...

C. Design criteria. The design assistance committee shall be guided by the following criteria when evaluating the land form alterations and constructions of structures...

1. The alteration of natural land forms 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.

2. Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.

3. Materials and colors used in construction shall be selected for compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings...

4. Plant materials should be used to integrate the man-made 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.

...

8. 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, residences of more than 2,000 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...

D. View protection criteria. The design assistance committee shall be guided by the following criteria when evaluating the impact of new development...on public and private vistas of important scenic attractions.

1. Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.

...

4. The Tsurai Village site, the Trinidad Cemetery, Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alteration or structural construction within 100 feet of the Tsurai Study Area as defined in the Trinidad General Plan or within 100 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.

LCP Policies Regarding Procedures and Administration for Use Permits

Section 7.09 of the ZOCT, Conditional use permit findings, states the following:

A conditional use permit may be granted for any use listed as a conditional use in the applicable zone if the facts establish and written findings are adopted showing:

A. That the proposed use at the size and intensity contemplated, and at the proposed location, will provide a development that is necessary or desirable (sic) for, and compatible with, the neighborhood or the community; or:

B. That such use as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

1. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
2. The accessibility and traffic pattern for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
3. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor:
4. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

C. That such use or feature as proposed will comply with the applicable provisions of this ordinance, will be consistent with the policies and programs of the General Plan and will assist in carrying out and be in conformity with the Trinidad Coastal Program.

D. That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment.

E. When the subject property is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline where there is no beach, whichever is the greater, that:

1. The development provides adequate physical access or public or private commercial use and does not interfere with such uses.

2. The development adequately protects public views from any public road or from a recreational area to, and along, the coast.
3. The development is compatible with the established physical scale of the area.
4. The development does not significantly alter existing natural landform.
5. The development complies with shoreline erosion and geologic setback requirements.

APPENDIX B

SUBSTANTIVE FILE DOCUMENTS

Appeal No. A-1-TRN-08-046 (Marshall)

Application file for LCP-1-TRN-19-0041-1

Busch Geotechnical Consultants, November 2009. Results of Factor-of-Safety Analysis and Erosion-Rate Assessment for Proposed Marshall Residence, Edwards Street, Trinidad, Humboldt County, CA

California Coastal Act

City of Trinidad Local Coastal Program

GHD. May 2019. Water Treatment Plant Production Rate Test and Analysis.

Memorandum prepared for City of Trinidad. Available online at the City's [Water Studies Document Library](#)¹

Humboldt County Division of Environmental Health. November 2017. Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual. Issued by the Humboldt County Health Officer, Humboldt County.

Pacific Watershed Associates, Inc. April 2008. Preliminary Geologic Hazard Report for A.P. Nos: 042-042-005 and 042-042-013, Located on Hector Street. Trinidad, CA.

SHN Consulting Engineers. March 2017. Preliminary Assessment of Current Slope Stability Conditions, Trinidad Memorial Lighthouse, Edwards Street, Trinidad.

----- July 2017. Landslide Mitigation Assessment, Trinidad Memorial Lighthouse and Edwards Street, Trinidad, California

----- August 2019. Water Demand Assessment. Projections for Build-out Within the City's Service Area. City of Trinidad, California.

¹

<https://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/Water%20Production%20Memo%20May%20%202019.pdf>