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DATE: June 19, 2020

TO: Coastal Commissioners and Interested Persons

FROM: John Ainsworth, Executive Director
Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Tamara Gedik, Coastal Program Analyst

SUBJECT: **City of Trinidad LCP Amendment No. LCP-1-TRN-19-0041-1 (Reinman Rezone)**
For the Commission meeting of July 10, 2020 to be held remotely

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve proposed City of Trinidad Local Coastal Program Amendment (LCPA) Application No. LCP-1-TRN-19-0041-1 as submitted. The motions to accomplish this recommendation are found on Page 4 of this staff report.

Trinidad's Proposed Amendment

The subject LCPA proposes to change the land use plan and zoning designations of an approximately 1/3-acre parcel at 651 Parker Street in the center of Trinidad from Urban Residential (UR) to Planned Development (PD). The parcel is developed with a four-plex apartment structure that was constructed around 1970.

The City indicates the purpose of the proposed designation changes is to reduce the non-conformity of the existing multi-family development with the land use and zoning designations applied to the subject property by changing the designations (multi-family is not allowed under the existing UR land use and zoning designations but is allowed under the proposed PD land use and zoning designations). Although the LCPA would conform the use type of the existing development on the site and the LCP designations, the four-plex would still be nonconforming as to the maximum density allowed under the LCP designations. The owner has also expressed interest in redesignating the property to allow an increase in flexibility for future potential uses, including using more than one

of the apartments as a short-term rental (STR), which is allowed under the proposed PD zoning with future approval by the Planning Commission. No changes to the text of the LCP are proposed, and no development is proposed at this time.

Staff is recommending the Commission approve the Land Use Plan (LUP) amendment as submitted because the LUP amendment meets the requirements of, and is in conformity with, the Chapter 3 policies of the Coastal Act. The subject parcel is in an existing developed area and is able to accommodate the range of other uses that potentially could be developed within the proposed PD designation and zoning district, consistent with Coastal Act section 30250. The rezone and redesignation from UR to PD would increase the utility of the site for visitor-serving uses consistent with the priority use provisions of the Coastal Act. Any future development at the site could be sited and designed to minimize geologic hazards consistent with section 30253. No public views of the ocean or Trinidad Bay would be impacted by future development on the site, and because the site is surrounded by a mix of uses including a church, restaurant, and single family residences, future residential and/or commercial development of the site would be compatible with the character of the surrounding area consistent with section 30251.

Staff is also recommending the Commission approve the Implementation Plan (IP) amendment as submitted, because the proposed IP amendment conforms with and is adequate to carry out the provisions of the certified LUP as amended.

Deadline for Commission Action

The proposed LCP amendment was filed as complete on March 19, 2020. Section 30512 of the Coastal Act requires that the Commission complete action on a combined LUP and IP amendment of a certified LCP within 90 working days of the application being filed as complete. However, on April 16, 2020, the Governor signed Executive Order N-52-20 to toll certain deadlines in the Coastal Act by 60 calendar days, including the 90 working-day deadline set by section 30512 for Commission action on a combined LCPA. Therefore, the deadline for the Commission to take final action is September 14, 2020. Additionally, the Commission may extend the deadline by up to one year.

Additional Information

For additional information about the LCP amendment, please contact Tamara Gedik at the North Coast District Office at (707) 826-8950 or via electronic mail at Tamara.Gedik@coastal.ca.gov. Please mail correspondence to the Commission at the letterhead address. In addition, please also send a copy of all correspondence or other documents electronically to NorthCoast@coastal.ca.gov.

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[Exhibit 3](#) – Site Map

[Exhibit 4](#) – Existing Land Use Designation and Zoning

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[Exhibit 6](#) – Average and Peak Daily Water Use by Land Use Zone, 2018 to 2019

[Exhibit 7](#) – City of Trinidad Letter Dated 2/26/20 Addressing Services Capacity Scenarios

[Exhibit 8](#) – City’s Adopted Resolution of Transmittal of LCP Amendment

[Exhibit 9](#) – Adopted Ordinance for Rezone

I. MOTIONS AND RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and the staff recommendation are provided prior to each resolution.

A. Approval of LUP Amendment No. LCP-1-TRN-19-0041-1 As Submitted

Motion 1 to certify the land use plan amendment as submitted:

I move that the Commission certify Land Use Plan Amendment No. LCP-1-TRN-19-0041-1 as submitted by the City of Trinidad.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution 1 to certify the land use plan amendment as submitted:

The Commission hereby certifies the Land Use Plan Amendment No. LCP-1-TRN-19-0041-1 as submitted by the City of Trinidad and adopts the findings set forth below on grounds that the land use plan as amended meets the requirements of and is in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment will meet the requirements of 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 Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

B. Approval of IP Amendment No. LCP-1-TRN-19-0041-1 As Submitted

Motion 2 to certify the implementation plan amendment as submitted:

I move that the Commission reject Implementation Plan Amendment No. LCP-1-TRN-19-0041-1 as submitted by the City of Trinidad.

Staff recommends a **NO** vote on the foregoing motion. Failure of this motion will result in certification of the Implementation Plan Amendment No. LCP-1-TRN-19-0041-1 as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution 2 to certify the implementation plan amendment as submitted:

The Commission hereby certifies the Implementation Plan Amendment No. LCP-1-TRN-19-0041-1 as submitted by the City of Trinidad and adopts the findings set forth below on grounds that the implementation plan amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the implementation plan amendment will meet the requirements of 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 Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. PROCEDURAL ISSUES

A. Standard of Review

The standard of review for land use plans and their amendments is found in section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512 (c):

The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

The standard of review for implementation plans and their amendments is found in section 30513 of the Coastal Act. This section states in part:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken...

Pursuant to the above cited sections, to certify the proposed amendment to the LUP portion of the City of Trinidad LCP, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. To certify the proposed amendment to the IP portion of the City of Trinidad LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP.

B. Public Participation

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City Planning Commission held a public hearing on the proposed amendment on August 15, 2018, which was continued to

August 29, 2018 due to a lack of a quorum. The City Council held a public hearing on January 9, 2019. The hearings were noticed to the public consistent with sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. Procedural Requirements

Pursuant to section 13551(b) of Title 14 of the California Code of Regulations, a local government's resolution for submittal to the Coastal Commission may specify that a LCP amendment will either require formal local government adoption after Commission approval, or state that it is an amendment that will take effect immediately upon the Commission's approval. In this case, the City's resolution of transmittal of the LCP amendment to the Commission for certification (Resolution No. 2019-04) indicates that the amendment will take effect immediately upon certification by the Coastal Commission approval ([Exhibit 8](#)¹). Therefore, if the Commission certifies the LCP amendment as submitted, no further City action will be necessary to formally adopt the amendment. Should the Commission certify the LCP amendment subject to suggested modifications, final approval by the City and a determination by the Executive Director of compliance with section 13544 of the Commission's regulations will be required in order for the amendment to take effect. Should the Commission deny the LCP amendment as submitted without suggested modifications, no further action is required by either the Commission or the City, and the proposed LCP amendment will not become effective.

III. AMENDMENT DESCRIPTION & BACKGROUND

A. Amendment Description

Local Coastal Program Amendment (LCPA) Application No. LCP-1-TRN-19-0041-1 is a LCPA transmitted by the City of Trinidad proposing to change the land use plan and zoning designation of an approximately 14,300 square-foot (0.33-acre) parcel in the center of town from Urban Residential (UR) to Planned Development (PD). The parcel is developed with a four-plex apartment structure that was constructed around 1970.

The City indicates the purpose of the proposed change is to reduce the non-conformity of the existing multi-family development with the land use and zoning designations for the site (multi-family is an allowable use in the PD zone), though the four-plex would still be nonconforming as to the maximum density limitations. The owner also desires the redesignation of the property to broaden the uses that could be considered for the site, including using more than one of the apartments as a short-term rental (STR), which the rezone could allow with future approval by the Planning Commission. No changes to the text of the LCP are proposed, and no development is proposed at this time.

Although the primary impetus for the LCP amendment is to reduce the non-conformity of the existing development with the land use and zoning designations, the Commission must consider the change in the range of uses that could be developed on the subject

¹ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-exhibits.pdf#page=19>

property under the proposed amendment. Approval of the LCP amendment does not guarantee that any STR contemplated by the owner, or any other change in use will be developed. Whether or not any contemplated project is developed, the LCP amendment will permanently change the range of allowable uses that could potentially be developed at the site.

B. Background Information

The subject property is located in the center of town on the south side of Parker Street, between The Eatery restaurant and the Holy Trinity Church at 651 Parker Street in Trinidad (APN 042-042-017). The parcel is located on a marine terrace situated approximately 170 feet from the bluff edge above Trinidad Bay ([Exhibits 1 and 2](#)²). The property is separated from the bluff edge to the south by another developed property and by Edwards Street, which provides the public connectivity between the City's main street (Trinity Street) and Trinidad Harbor. The subject property is not located between the first public road and the sea. There are no known environmentally sensitive habitat areas on or adjacent to the subject property.

The property is currently developed with a four-plex apartment structure. The 2,280-square-foot building footprint encompasses four 986-square-foot, two-bedroom apartments and a total floor area of 3,944 square feet (common use areas such as access hallways and stairways do not count toward the floor area). The structure provides moderate-cost housing for the City of Trinidad. Additionally, one of the units is currently licensed as a STR. The site is served by an on-site septic system and the City municipal water system. The existing septic system is located to the south of the four-plex as shown on the site plan ([Exhibit 3](#)²). As previously noted, the property is designated as Urban Residential (UR) and is surrounded by a mix of different land uses, including Commercial (C) and Planned Development (PD) to the east and north, Public and Religious (PR) to the west, and UR to the north, west and south.

As described above, the City's stated purpose of the proposed LCP amendment is to bring the existing, nonconforming, four-unit residential complex into better compliance with the land use and zoning designations for the site by changing the designations. Although the four-plex was legally developed, it is nonconforming as to use and density under the current land use and zoning designation (the Urban Residential designation does not allow multi-family housing and only allows one dwelling unit per 8,000 square feet). Single-family dwelling, duplex, condominiums (including apartments) and townhouses with not more than four dwellings in a building, and "groups of permitted types" are permitted uses within the PD zoning district, and all new or expanded uses within PD zones require a use permit. Furthermore, the LCP amendment would allow the ability to at least partially replace the existing use in the event of a loss of the structure. However, the existing development would continue to be nonconforming as to its density because the PD zone only allows one dwelling unit per 8,000 square feet for a lot of this size. To conform with this requirement and accommodate the existing four

² <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-exhibits.pdf>

dwelling units, the lot would have to be at least 32,000 square feet in size. This lot is only 14,300 square feet in area and thus, based upon the LCP, can only accommodate one unit and still conform with the PD zone density requirement.

The proposed PD designations would allow a greater range and intensity of uses on the property than the current UR designations, including such additional uses as multi-family housing, motels, restaurants, offices, retail services, rest homes, and day care centers. As mentioned above, the Commission must consider the change in the range of uses that could be developed on the subject property under the proposed amendment.

As summarized in **Table 1** below, under the existing certified LCP, the existing UR and the proposed PD land use and zoning designations for the subject property provide for the following uses and standards:

Table 1. A comparison of certified LCP uses and standards allowed in the existing Urban Residential (UR) and proposed Planned Development (PD) designations/zones. (Source: City of Trinidad)

Regulation	Urban Residential (UR)	Planned Development (PD)
Principally Permitted Uses	A. Single-family dwelling B. Home occupation	None
Uses Permitted with a Use Permit	A. Guest house; servant's quarters; B. Removal of trees more than twelve inches DBH.	A. Single-family dwelling, duplex, condos and townhouses with not more than four dwellings in a building; groups of permitted types; B. Motels, inns, gift shops, restaurants (not drive-in), personal services, professional offices, retail sales and visitor services; C. Home occupations D. Rest homes, day care centers; E. A combined residence with a business use allowed by this section, other than a motel
Minimum Lot Area	8,000 square feet	2,500 sq. ft. for developments with five or more dwelling or commercial units. 8,000 sq. ft. for developments with less than five units
Maximum Density	One dwelling per 8,000 square feet	One dwelling per 8,000 sq. ft. or based on septic requirements
Minimum Yards	Front: 20 ft. Rear: 15 ft. Side: 5 ft. Street Side: 15 ft.	Where 8,000 sq. ft. minimum lot area applies, same as UR zone; where 2,500 sq. ft. minimum lot area applies, none, except when adjacent to any other zone the yard shall be the same as that required in the adjacent zone.
Maximum Height	25 feet except that the design assistance committee may require a lesser height	25 feet except that the design assistance committee may require a lesser height

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Parking	2 spaces in addition to any garage spaces	Single-family dwelling: 2 spaces in addition to any garage spaces Attached dwellings: 1.5 spaces per dwelling. Commercial: depends on the use
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Although both the certified UR designation and the proposed PD designation allow residential dwelling units either as a principally permitted use (UR designation) or a conditional use (PD designation), section 17.56.190 of the certified Implementation Plan imposes different limitations on the ability to use residential dwelling units under the two land use designations as STRs. The LCP is more restrictive with respect to allowing STRs in UR designated areas than in PD designated areas. The City's findings for approval of the LCP amendment state in part the following:

The rezone to PD will increase the potential for additional apartments to be converted into STRs. Currently, one of the four apartments is licensed as an STR. Another apartment is utilized as a minimum 30-day vacation rental, which does not require an STR license. Under the City's STR Ordinance, there is a cap on the total number of STRs allowed in the UR zone (§17.56.190.F [aka Zoning Code section 6.26F]) as well as a limitation that only allows one STR License per owner in the UR zone (§17.56.190.H aka Zoning Code section 6.26H]). The number of STRs is also restricted to no more than one STR per parcel (§17.56.190.G [aka Zoning Code section 6.26G]) in both zones. However, this last standard may be modified through issuance of a use permit by the Planning Commission. But since the UR zone cap is already exceeded, the property owner can not apply for an additional STR(s) under the current zoning; there is no cap in the PD zone.

IV. FINDINGS FOR APPROVAL OF THE LUP AMENDMENT AS SUBMITTED

A. Planning and Siting New Development

Section 30250 of the Coastal Act states in applicable part (emphasis added):

- (a) 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...

Section 30250(a) of the Coastal Act requires that new development be located in or near existing developed areas that are able to accommodate it and where it will not result in significant adverse effects, either individually or cumulatively, on coastal resources. As discussed further below, the subject site is connected to the City's public water system and relies on an on-site sewage disposal system. The proposed PD land use designation and zoning district for the subject property allows a maximum residential density of one dwelling unit per 8,000 square feet. For commercial

developments, density is limited based upon wastewater disposal requirements and site capacity. Due to on-site septic constraints the site may not be able to support the full range of permissible uses of the PD land use designation, such as motels, restaurants, and rest homes. However, the proposed PD land use designation more closely covers the existing development on the site than any of the other designations of the certified LUP.

Background on City's Water System

The City of Trinidad maintains a public water system and provides water service to residents and businesses within the City and to some tribal and unincorporated County lands within a designated service area that extends north, east and south of the City. The City obtains its water from Luffenholtz Creek, which is located southeast of and entirely outside of City boundaries in a watershed primarily within private industrial timberlands.

The City's designated water service area includes (1) lands within the city limits; (2) lands adjacent to the city limits in the unincorporated County within the County's LUP designated urban limit line; (3) tribal trust lands of the Trinidad Rancheria east of the City boundary; and (4) unincorporated rural County lands outside of the County LUP designated urban limit line that extend approximately one mile north of and over a mile southeast of the City to the property where the City's water treatment facility is located. The service area boundaries were neither established nor limited in extent based on the capacity of the water system to serve all of the property within the service area. Buildout of all the properties within the service area would likely create more demand for water than can be supplied by the City's water system. However, the City's certified LCP does prioritize allocation of water service to certain geographic areas. Policy 23a of the City's certified LUP gives users within the city limits preference for water service connections over other lands within the designated service area.

The capacity of the city water system to adequately serve the existing and projected needs of the community has historically been a concern of the City. In 1987, the City updated its LUP to reflect major upgrades that recently had been completed for its water system, including doubling the system's storage capacity. Additionally, in 2014, the City added new water pumps, filtration system, chlorine contract system, and upgrades to the backwash system. In 2018, the City began undertaking a focused analysis of the City's current water demand and the City's capacity of its water system to serve all users within the City at maximum buildout while also evaluating its capacity to serve water demands outside the City limits.

Results of recent studies (refer to [Appendix B](#)³) indicate the City has sufficient water supply to serve both existing and future water service users within City limits (including but not limited to sites with an anticipated capacity for developing accessory dwelling units) at its projected full build-out, as well as existing users within the portion of the

³ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-appendix.pdf#page=10>

designated service area outside the City. The City is continuing to evaluate its remaining water capacity to serve other areas outside the City limits while first considering service prioritization areas as required by the certified LCP.

Evidence of Water Supply to Accommodate the Range of PD-Designated Uses

As described above, the range of uses within the PD land use designation that may be conditionally permitted include, among others: single and multi-family dwellings; condos and townhouses with not more than four dwellings in a building; motels, inns, retail sales, restaurants (not drive-in), professional offices, rest homes, and day care centers. The City has demonstrated through several analyses that an adequate water supply exists to serve the full range of potentially allowable uses that would be permissible by permit under the proposed change in land use. A Water Demand Assessment prepared in August 2019 (GHD; [Appendix B](#)⁴) examined current average and peak daily water use trends for all water user accounts, and summarized peak (July) and annual averaged daily use by land use zones over a 12-month period from April 2018 to March 2019 ([Exhibit 6](#)⁵). The August 2019 Water Demand Assessment identified the existing four-plex as one of the ten highest water users across all zoning districts in town. Supplemental information provided by the City in a letter dated September 9, 2019 indicates the existing four-plex uses an average of 559 gallons per day (gpd) and is currently the second highest water user within the UR designation.

In a letter dated February 26, 2020, the City presented a number of scenarios for anticipated water demand under a variety of use types ranging from a seven or eight-room motel, a 50-seat restaurant, office space for up to 33 office workers, limited retail use, and a ten-person boarding house ([Exhibit 7](#)⁵). All of these scenarios would generate an anticipated water demand of 500 gpd or less, which would be less than the current average water use of the existing four-plex at the site. Thus, the water use scenarios and the City's capacity analysis of the system's ability to serve development within the City limits at full build-out demonstrate that an adequate water supply exists to serve the full range of permissible uses at the subject site under the proposed PD designation.

Background on Septic System

The City of Trinidad has no centralized sewer system. Instead every home and business in the City is served by an onsite wastewater treatment system (OWTS). With the City's location adjacent to the state-designated Trinidad Head Area of Special Biological Significance and the water quality protection regulations applicable to that area, ensuring the maintenance and functionality of septic systems is an ongoing priority for the City. A large number of the septic systems in the City are old and not built to current standards. In addition, many of the existing city lots are undersized for what the County Division of Environmental Health (DEH) currently allows for individual septic

⁴ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-appendix.pdf#page=10>

⁵ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-exhibits.pdf>

systems. The City's OWTS Program requires all owners of an OWTS to have a valid operating permit and to regularly inspect and maintain their system. Permits for the construction or repair of an OWTS specify the number of bedrooms allowed in a dwelling based on the design capacity of the OWTS. Permits also address site design issues such as setbacks, roof drainage, landscape maintenance, and plumbing devices to maximize performance of the system. In some cases, the City may require monitoring of water usage and may impose limits on the amount of wastewater allowed to enter an OWTS.

Prior to 2016, the subject property was served by two separate septic systems, each consisting of a standard 1200-gallon tank and a "seepage pit," both of which were likely installed in the early 1970's when the apartments were constructed. As described above, old seepage pits such as what previously existed on the subject parcel do not conform to today's standards for adequate wastewater treatment. In 2016, a City-required site inspection revealed the seepage pits had also failed. The two seepage pits were then replaced with three, 50-foot-long leachlines designed to accommodate existing uses of the site and establish a septic reserve area. Although the septic system was recently upgraded, the work was done under a repair permit issued by DEH and was not required to meet all DEH standards which were further updated in 2018.

While the system improvements were authorized by DEH, no CDP has been issued for the improvements to the septic system. Although the Coastal Act and the Commission's regulations exempt certain improvements to structures from the need for coastal development permit authorization, the expansion or construction of septic systems is not exempt. The Commission's certification of the proposed changes to the land use and zoning designations do not affect or in any way authorize any improvements to the septic system. Therefore, any previously unauthorized (i.e., by issuance of a CDP) septic system repairs or upgrades, and any future improvements to the septic system, require a CDP.

Adequacy of Septic Capacity to Accommodate the Range of PD-Designated Uses

While an adequate water supply exists to accommodate a reasonable range of uses allowable in the PD zone as discussed above, the likely limiting factors for development on the subject property will be the land area needed to accommodate the septic system and required parking spaces. Additionally, the City's certified LCP limits density in the PD zone primarily based upon soil suitability and the City's wastewater disposal regulations (Trinidad Zoning Code section 4.07(B)(2); [Appendix A](#)⁶).

As discussed above, the City's letter dated February 26, 2020, provides an analysis of various use scenarios within the range of permissible uses in the PD District, taking into consideration structure size, parking requirements and septic standards that could limit the types and intensities of potential developments on the site. Although the maximum potential use can only be estimated as there are no current studies of site-specific

⁶ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-appendix.pdf#page=2>

percolation rates and absorption areas for leach lines, the City was able to provide reasonable scenarios given general soil characteristics known for the subject property and surrounding parcels ([Exhibit 7](#)⁷).

According to the City's analysis, DEH minimum septic sizing exceeds the available lot area for certain developments on the subject property. Using the conservative estimate of a 500 gpd maximum wastewater flow and/or the square footage of the existing building (3,944 square feet), the City presented scenarios for a range of uses that might be feasible under the PD designation, albeit for less development potential than could be supported by the water supply. For example, while a sufficient water supply exists to support an eight-room motel, onsite-parking and septic requirements would likely limit potential development of a motel to no more than five rooms. Similarly, septic and parking requirements would likely limit development of an office to no more than 22 workers, and retail development could be accommodated but would be limited to only one restroom and a smaller floor area than the current building footprint to satisfy minimum parking requirements. As all new or expanded uses in a PD designated area requires a use permit and all non-exempt development requires a coastal development permit, the City will be able to evaluate during the permit application review process whether the specific uses and development proposed at the time are those that can be adequately accommodated by the available septic capacity of the site and found consistent with the certified LCP policies, including Policy 9 which requires that adequate site analysis, septic system installation, and system maintenance be employed to prevent degradation of water quality and public health (See [Appendix A](#)⁸).

Parking

The subject property is situated between a restaurant, church, and a single-family residence on a short side street (Parker Street) that connects at its eastern terminus to the main street through town (Trinity Street). Thus, traffic and circulation surrounding the subject property is already within a highly used area as traffic circulates from Trinity Street to access surrounding mixed uses. The scenic setting of the City and the magnificent coastal views afforded from many vantage points in the City attract significant numbers of visitors, many of whom park along Edwards and Trinity Streets near the subject property. The City has noted in the past that more visitor parking is needed in the town in general. Therefore, the adequacy of off-street parking to serve future development of the subject property needs to be carefully considered to avoid displacing street parking used by members of the public seeking to enjoy the coastal views and coastal access trails in the vicinity. The existing four-plex on the property requires 1.5 parking spaces per unit, so based on the current configuration, a total of 6 parking spaces is required. There are currently 7 spaces on the lot. Other uses allowable within the PD district would trigger parking requirements that could be considerably higher depending on the development. For example, 13 spaces would be

⁷ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-exhibits.pdf#page=10>

⁸ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-appendix.pdf#page=2>

required if the building in its current configuration was converted to office space, because office space parking requirements are calculated by the square footage of the building. As all new or expanded uses in a PD designated area require a use permit and all non-exempt development requires a CDP, the City will be able to evaluate the suitability of the site to support the site-specific parking requirements of the LCP and avoid impacts to public access parking at the time of a permit application.

Conclusion

For all the reasons discussed above, the Commission finds that the proposed LCP amendment as submitted would designate as PD a property that is located in an existing developed area and is able to accommodate the range of uses that could be developed within the proposed PD designation, consistent with Coastal Act section 30250(a).

B. Visitor- Serving Priority Uses

The Coastal Act includes the following policies prioritizing visitor-serving uses:

Section 30213 of the Coastal Act states in applicable part:

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

Section 30222 of the Coastal Act states as follows:

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 30254 of the Coastal Act states in applicable part:

...Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

The Coastal Act prioritizes visitor-serving commercial recreational facilities over private residential, general industrial or general commercial development. The certified UR designation of the site is primarily a residential designation that also allows for home occupations and the potential for one short-term rental license per site. In contrast, the proposed PD designation additionally allows for visitor accommodations including motels, inns, and the potential for additional short-term rental licenses as discussed at the end of Finding II-B above, and allows a number of visitor-serving commercial uses such as gift shops, retail sales, visitor services, and restaurants. In addition, the PD

designation also allows visitor-serving recreational uses, whereas the UR designation does not.

Therefore, the Commission finds that the rezone and redesignation from UR to PD would increase the utility of the site for visitor-serving uses consistent with the priority use provisions of sections 30213, 30222, and 30254 of the Coastal Act.

C. Minimization of Hazards

Section 30235 of the Coastal Act states in applicable part the following:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...

Section 30253 of the Coastal Act states as follows in applicable part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

Coastal Act section 30253 requires the minimization of risks to human life from geologic hazards. The certified LUP incorporates provisions of 30253(a) and (b) into LUP Policy 3, which requires in part that structures, septic tank systems, and driveways should not be located on unstable lands and 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.”

The subject property is located on a marine terrace and situated approximately 170 feet from the bluff edge at an elevation approximately 180 feet above Trinidad Bay ([Exhibits 1 and 2](#)⁹). The property is separated from the bluff edge to the south by another developed property and by Edwards Street, which provides the public connectivity between the City’s main street (Trinity Street) and Trinidad Harbor. Coarse-scale mapping included as Plate 3 in the certified LUP shows a portion of the subject property mapped as “questionable stability,” although newer mapping shows the subject property depicted as “low instability.” The area immediately south of Edwards Street is mapped

⁹ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-exhibits.pdf>

as unstable and is known to be an active landslide area that has experienced additional erosion in the past few years. The subject property is located approximately 160 feet north and inland of these mapped unstable lands on the other side of Edwards Street.

The property immediately south of the subject site is developed with a single-family residence that the Commission approved on appeal in 2008 (CDP No. A-1-TRN-08-046). The development was appealed in part due to concerns that the development of the septic system necessary to support residential development would contribute to geologic instability of the bluffs. Geologic studies conducted at the time demonstrated that soils were well-drained, and, thus, the septic system leachfield would not contribute to geologic instability. In addition, as part of the Commission's *de novo* review of the appealed residential development described above, the Commission's geologist prepared a memo stating in part: "the slope below the site is unstable to marginally stable, but the site itself meets industry standards for slope stability and likely will for many decades." The City has provided several other geologic studies ([Appendix B](#)¹⁰) demonstrating that, while the bluffs to the south may be geologically unstable, the existing developments north of the bluff are located sufficiently back from the bluff to minimize the risks of geologic hazard and do not contribute to geologic instability of the area.

Section 4.02(B)(4) of the certified Zoning Code ([Appendix A](#)¹¹) and Coastal Act section 30235 only allow for the construction of shoreline protective devices to protect existing structures, and the construction of a shoreline protective device to protect new residential development is not permitted by the LCP. Thus, the certified LCP would not allow bluff and shoreline protective devices to be installed on the subject property to protect new development that might be proposed in the future.

Therefore, the Commission finds that the proposed LUP amendment is consistent with Coastal Act sections 30235 and 30253 because development at the site can minimize risks of geologic hazard, will not contribute significantly to the creation of any geologic hazards, will not have adverse impacts on the stability of the coastal bluff or on erosion, and will not require the construction of shoreline or bluff protective devices.

D. Visual Resources

Section 30251 of the Coastal Act states in applicable part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where

¹⁰ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-appendix.pdf#page=10>

¹¹ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-appendix.pdf#page=2>

feasible, to restore and enhance visual quality in visually degraded areas...

Coastal Act section 30251 requires in part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas. The subject parcel is in the center of town and on the south side of Parker Street, situated between a cluster of developments that include a two-story restaurant to the east (with an apartment upstairs), a church to the west, and a one-story single family residence to the south. The existing apartment structure on the parcel does not block public views to the ocean or the bay. The parcel is located at least half a block to the west of, and does not encroach upon, the unobstructed and iconic view of the ocean and Trinidad Bay afforded the traveler heading south through town on the City's main street (Trinity Street).

In addition to protecting views, Coastal Act section 30251 requires that permitted development minimize the alteration of natural landforms. The subject parcel gently slopes to the south but is relatively flat. Thus, future development would not require hillside grading to create building pads and can feasibly minimize the alteration of natural landforms.

Coastal Act section 30251 also requires that permitted development be visually compatible with the character of the surrounding area. Because the subject parcel is an infill site surrounded by a mix of existing commercial and residential development and religious services, the more diverse range of uses allowed under the proposed PD designation, described in detail above, could still be found to be compatible with the character of the surrounding area. Furthermore, certified LUP Policy 76 ([Appendix A](#)¹²) includes provisions requiring the Design Review Committee to ensure that any proposed development in town does not detract from historical sites and structures such as, but not limited to, the historic Holy Trinity Church located adjacent to the subject parcel.

Finally, any future development on the subject parcel will be subject to the visual resource protection policies of the certified LCP. The certified LUP incorporates provisions of Coastal Act section 30251 into a number of policies, including but not limited to policies requiring the preservation from further development of the beaches and sea cliffs bordering the southern and western sides of the city (Policy 72) and the lands lying seaward of Edwards and Van Wycke Streets (Policy 74) to protect public views of the coast. ([Appendix A](#)¹²). To be approved, any future development of the subject property must be found to conform to these policies and be compatible with the character of the surrounding area.

For all of these reasons, the Commission finds that the proposed LUP Amendment is consistent with Coastal Act section 30251.

¹² <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-appendix.pdf#page=2>

V. FINDINGS FOR APPROVAL OF THE IP AMENDMENT AS SUBMITTED

The Commission hereby finds and declares as follows:

To approve the amendment to the City's Implementation Plan (IP), the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP as amended.

A. Conformity with the PD Land Use Designation

Under the proposed amendment, the subject parcel will be rezoned from Urban Residential (UR; [Exhibit 4](#)¹³) to Planned Development (PD; [Exhibit 5](#)¹³) to match the proposed Land Use Plan designation for the site. As described above, the City's stated purpose of the proposed LCP amendment is to bring the existing, nonconforming, four-unit residential complex into better conformity with the land use and zoning designation applicable to the site. Although the four-plex was legally developed, it is nonconforming as to use and density under the current land use and zoning designation (the Urban Residential designation does not allow multi-family housing and only allows one dwelling unit per 8,000 square feet). Single-family dwelling, duplex, condominiums (including apartments) and townhouses with not more than four dwellings in a building, and "groups of permitted types" are permitted uses within the PD zoning district, and all new or expanded uses within PD zones require a use permit and all non-exempt development requires a CDP.

Appendix A of the certified LUP describes the purpose and intent of and allowable uses in the corresponding 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:

¹³ <https://documents.coastal.ca.gov/reports/2020/7/F8a/F8a-7-2020-exhibits.pdf>

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.

According to the Zoning Compatability [*sic*] Matrix included in Appendix A of the certified LUP, the PD zoning district implements and is “generally compatible” with the PD land use category. The PD zoning district allows for the same range of conditionally-permitted uses as the PD designation and particularly land uses serving residents and visitors, including single- and multi-family residences, lodging, restaurants, retail stores, and “visitor services.”

Therefore, the proposed PD rezone, as submitted, conforms with and is adequate to carry out the PD land use designation provisions of the certified LUP as amended.

B. Conformity with the Services Policies of the LUP

Because of Trinidad’s water and wastewater treatment service limitations, many of its LCP policies relate to soil limitations for septic systems and protection and conservation of water resources. The certified LUP includes the following related policies (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.

Section 4.07B(2) of the certified ZOCT limits density of development in the PD district based on soil suitability and the requirements of the City’s wastewater disposal regulations. Furthermore, all new or expanded uses within the PD zone require approval and issuance of a use permit and all non-exempt development requires a CDP. The required findings and facts that must be established for approving any use permit

include, among other things: (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 for, and compatible with, the neighborhood or the community; and (B) that such use as proposed will not be detrimental to the public's health, safety, convenience or general welfare. Therefore, the Commission finds that the PD rezone proposed by the IP amendment will conform with and adequately carry out the policies of the certified LUP regarding adequacy of services to serve new development.

VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

The City's LCP Amendment consists of both Land Use Plan (LUP) and Implementation Plan (IP) amendments. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as it is set forth in full. As discussed throughout the staff report and hereby incorporated by reference, the LUP amendment has been found consistent with the Coastal Act, and the IP amendment has been found to be in conformity with, and adequate to carry out, the provisions of the LUP portion of the certified LCP. This staff report has discussed the relevant coastal resource issues with the proposal, has addressed issues raised by public comment, and concludes that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Further, future individual projects would require CDPs. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].