

CALIFORNIA COASTAL COMMISSION

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W11a

MEMORANDUM

Date: September 1, 2023

To: Commissioners and Interested Persons

From: Shana Gray, Deputy Director
Melissa B. Kraemer, District Manager
Tamara L. Gedik, Supervising Analyst

Subject: Addendum to Commission Meeting for Wednesday, September 6, 2023
Item W11a, CDP Appeal No. A-1-TRN-20-0069
(City of Trinidad)

The purpose of this staff report addendum is to update the staff recommended findings to respond to public comments received since publication of the staff report on August 17, 2023. Between publication of the staff report and publication of this addendum, the Commission received 21 public comment letters. Comments received have been from various individual members of the public, primarily in support of and restating public access issues raised in the appeal, which have been addressed in the staff report findings for No Substantial Issue. The addendum and all correspondence items received between publication of the staff report and the date of this addendum have been uploaded to the Commission's website under Agenda Item W11a.¹ The responses below will be added as a Response to Comments section to the staff report, as Section II.G.

The addendum does not alter the conclusions of the staff report. Staff continues to recommend that the Commission, upon completion of the public hearing, find that no substantial issue exists with respect to the grounds on which the appeal has been filed.

Response to Comments

Maximizing Access Consistent with Public Safety Needs

The only comments received regarding alternative access that were not explicitly addressed in Finding II.F of the August 17, 2023 staff report were specific references to the safety – or alleged lack thereof – of Edwards Street. Commenters amplify the

¹ Weblink to correspondence: <https://documents.coastal.ca.gov/reports/2023/9/w11a/W11a-9-2023-corresp.pdf>

appellant's contentions that Edwards Street is unsafe and undesirable for pedestrian access, due in part to: (a) the lack of sidewalks or pedestrian safety barriers; (b) high traffic volumes; and (c) vehicle exhaust. One commenter cited a 2009 traffic study that recorded average daily traffic counts of approximately 1,290 vehicles along Edwards Street.

As part of the appeal paragraphs entitled "VWT Closure Conflicts ..." and "Constraints and Dangers of Edwards Street," the appeal asserts that the alternative access identified by the City routes people in an unsafe manner, as explained in the appeal in part:

...onto a busy street (Edwards) surrounded by urban development and limited ocean views...The proposed pedestrian path along Edwards- which is a narrow shoulder with a white line- is not wide enough to accommodate people walking uphill and downhill (possibly with children or dogs) and bicyclists riding up Edwards, especially if there are large vehicles on the road and they converge in the same place at the same time.

The appeal further asserts that "Oversized vehicles often cross the centerline to avoid hitting parked cars, so pedestrians have to pay careful attention to stay out of the travel lanes, as there are no sidewalks or physical barriers to separate pedestrians from vehicles...Edwards is not a safe, alternative access route- it is an accident waiting to happen..."

Despite public perception of the safety of using Edwards Street, or lack thereof, Edwards Street is commonly used by pedestrians and cyclists for coastal access, and is the main route connecting the "downtown" core area to the harbor. Edwards Street is depicted as a primary collector street on Plate 4 ("Circulation Plan Map") of the certified LUP and has a posted speed limit of 20 miles per hour. As the primary collector street, Edwards Street conveys a large volume of vehicles between downtown and the harbor, including tourists, recreationists, fisher people, and commercial vehicles serving harbor businesses. However, the City's findings indicate no record of vehicle/pedestrian incidents along Edwards Street.

The City's certified LUP policies and narrative do not reference or require the use of Van Wycke Trail as part of the City's recreational trail system but do cite the use of Edwards Street as part of the formal pedestrian trail system. The narrative contained in the "Public Recreation" chapter of the certified LUP specifies in part (Emphasis added):

In addition to public access to the beaches available in state parks, there is public access to the harbor and nearby beaches via Edwards Street and an informal trail system down Galindo Street and along Parker Creek.

Some comments emphasize the relationship of the Van Wycke trail to a broader network of trails extending from the eastern portion of town towards the west, and from State Parks lands to the north along Trinidad State Beach that also connect to the harbor. The comments underscore the alternative access opportunities that exist

throughout town during the temporary closure of the Van Wycke trail. Finding II.F of the staff report references Policy 64 of the certified Trinidad LUP “Recreation” chapter, which states (emphasis added):

A formal pedestrian trail system should be marked out around Trinidad. The system should include the beaches, the existing Trinidad Beach State Park trails, and ascend the bluff at Galindo Street to provide convenient pedestrian access from Edwards Street to the harbor, the Old Wagon Road from Wagner Street to Parker Creek Trail, the private road extending from Scenic Drive along the east branch of Parker Creek to the beach, and the beach extending southeasterly from Parker Creek to the city limits. (Refer to the Circulation Plan map for delineation of the trail system.) The system should be advertised in visitor information and mapped at the visitor information center.

As indicated in Finding II.A of the staff report, Edwards Street runs from west to east and is the southernmost street providing vehicular access from the City’s core area down to the harbor. Edwards Street is approximately 1500 feet long. The total vehicle travel path is 20 feet wide with one lane of vehicle traffic in each direction. Finding II.F of the staff report acknowledges the City’s findings describing prior improvements to Edwards Street that removed parking on the south side of the street and added striping for a pedestrian walkway. The striping creates an approximately six-foot-wide pedestrian shoulder on the south side of Edwards Street, and eight-foot-wide shoulders on the north side of the street, beyond the vehicle travel lanes. At the Galindo Street intersection pedestrians can leave Edwards Street and walk or bike to its intersection with lower Van Wycke Street as an alternative to walking Edwards Street in its entirety.

While additional opportunities exist to enhance the pedestrian experience along Edwards Street as discussed further below, the current conditions including low speed limit, on street parking restrictions, and striping of the pedestrian walkway contribute to the safety of Edwards Street.

Alternative Access

Several of the commenters assert that the City’s action authorizing temporary closure of the Van Wycke Trail did not adequately evaluate alternative access routes equivalent in time, place, and manner. Commenters state that using Edwards Street is undesirable and not equivalent to using Van Wycke trail due to lack of equivalent views of the coast and the overall user experience of walking alongside vehicles rather than the coastal bluffs above Trinidad Bay. Most of the comments relating to alternative access are addressed in Finding II.F of the staff report for this appeal, including regarding the continued ability to access unobstructed views of Trinidad Bay away from Edwards Street despite the temporary trail closure.

Finding II.A of the staff report acknowledges the City’s efforts to evaluate alternatives, including citing as part of the City’s findings its adoption in 2019 of an Initial Study and Mitigated Negative Declaration (IS/MND) for a proposed “Van Wycke Bicycle and Pedestrian Connectivity Project” (**Appendix A**). The City’s Connectivity Project included

as part of its proposal repairing approximately 200 feet of the Van Wycke Trail between the upper intersection with Edwards Street west to Galindo Street, through construction of a 50 – to 100-foot-long retaining wall with safety fencing. The City's IS/MND evaluated project alternatives such as installing a sheet pile wall, welded wire wall, gabion wall and reinforcement soil embankment, all of which would require significant excavation and associated earthwork. The City also evaluated alternatives including constructing a bridge to span eroded areas and moving the trail upslope, in response to public comments at the time. Page 11 of the City's adopted IS/MND states in part:

Based on public comments, a bridge to accommodate the trail was also considered as an alternative to a retaining wall type structure. This alternative was suggested, because it was thought that it could be less visually and structurally intrusive. However, conceptual renderings prepared by the City Engineer's office showed that once the hillside is revegetated, there would be virtually no aesthetic difference between a bridge or sheet pile wall (Attachment 3). The bridge could actually be considered more visually obtrusive, because the pathway material would have to be concrete or other solid material, where a pathway on top of a sheet pile wall could be surfaced with gravel or other more natural materials. Further, in the professional opinion of the City Engineer, the bridge would not provide structural stability of the failing bluff compared to a retaining wall, which would provide structural stability. The bridge would not require less excavation and disturbance of the hillside due to the size of the bridge abutments that would be required. Lastly, construction of a bridge could be considerably more expensive than the other options.

Another alternative would be to move the Van Wycke Trail to the north to potentially avoid the need for a retaining wall, or at least minimize the size of it. However, the trail is already encroaching on private property to the north. As part of the detailed design phase of this project, the City will attempt to work with those property owners to acquire easements or other land rights in order to move the trail as far north as possible. However, it is unknown at this time how successful those efforts will be. In addition, any progress in moving the trail to the north may not result in the need for a smaller retaining wall. Therefore, this initial study evaluates the project assuming a retaining wall.

As noted in the Commission staff report, the proposals raised concerns regarding siting development on a geologically unstable area that has been subject to recent landslide activity. Finding II.A of the staff report includes comments provided by Native American groups during the local hearing including concerns over risk of impacts to cultural resources in the area and a resolution adopted by the Yurok Tribe and included as [Exhibit 4](#). Furthermore, the City's certified LCP limits development opportunities, including development of trail improvements, on lands designated Open Space in the area surrounding Van Wycke Street. While the City's right-of-way itself has no zoning designation, lands south of Van Wycke Street are zoned Open Space. Land Use Plan Policy 74 states 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.

As discussed in Finding II.F of the staff report, Coastal Act section 30214 mandates implementing the public access policies in a manner that takes into account the need to regulate the time, place, and manner of public access “depending on the facts and circumstances in each case including, but not limited to...:”

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area...

In this case, there are no throughfare alternatives equivalent in time, place and manner to walking along the bluff face above Trinidad Bay. However, portions of the trail remain accessible on either side of the trail closure and unobstructed views of Trinidad Bay remain accessible along Van Wycke Street.

Adverse Precedent

Commenters also assert that the decision creates an adverse precedent because other trails experience erosion too. However, the facts and circumstances in this case, including the presence of an active landslide and recent significant erosion events that have exacerbated the integrity of this trail, support the City’s determination that temporarily closing a portion of the Van Wycke trail will protect the fragile bluff resource, while alternative public access to and along the coast remains available along Edwards and Galindo Streets, as discussed above.

Duration of Closure

Many commenters stated that the trail has exceeded its authorized six-month closure and has been closed nearly four years with no long-term solution in sight. Pursuant to section 30623 of the Coastal Act, the operation and effect of the appealed local government action “shall be stayed pending a decision on appeal.” Finding II.D of the staff report states that the applicant, City of Trinidad submitted a signed copy of a waiver of the 49-working-day deadline for opening the Commission hearing on the appeal on December 11, 2020. Several factors have contributed to the delay in scheduling the subject appeal, including, but not limited to, the disruptions caused by the COVID-19 pandemic. The City has continued to explore trail alternatives during this time, including outreaching to neighbors to discuss trail easement options upslope of the existing trail alignment. However, site conditions are complicated and involve several coastal resource issues that will require further analysis, including geologic hazards, fragile sensitive resources, cultural resource considerations, land use zoning, and private property considerations.

In the past three years, the City has also pursued additional measures to enhance the pedestrian user experience along Edwards Street. In early 2020, the City held stakeholder meetings to discuss using grant funds to develop sidewalk improvements along the south side of Edwards Street. On December 8, 2020, the City Council voted to abandon pursuit of the sidewalk project following public testimony in opposition to sidewalk improvements.² The City has also acquired grant funding to add two crosswalks along Edwards Street at the intersections of Hector Street and Galindo Street. The grant was awarded in March 2021 and in March 2023 the City completed its right-of-way and 90% design work. Once funds are dispersed the City plans to implement the project, likely in early 2024.

Other Comments

One commenter raised several contentions that are not related to conformance of the city's action with the certified LCP and public access policies of the Coastal Act. Instead, the comments raise concerns regarding tribal interests and comments in general, the City's outreach to and meetings with stakeholders, unrelated permit actions on nearby trails, and an alleged special interest of a local decision maker. The commenter also restates assertions in the appeal that the City's lack of maintenance of the Van Wycke trail does not fulfill the requirements of the Coastal Act to ensure that maximum public access to the coast is provided. As indicated in Finding II.F of the staff report, the Commission must consider the project as approved. These assertions do not raise LCP- or, in the case of public access policies, Coastal Act conformity issues, but rather relate to the permit process and City communication practices.

² City Council minutes from the December 8, 2020 meeting can be viewed online at <https://www.trinidad.ca.gov/media/1031>