

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT  
1385 8TH STREET, SUITE 130  
ARCATA, CA 95521  
(707) 826-8950



March 24, 2015

Dan Berman, City Manager  
City of Trinidad  
409 Trinity St.  
P.O. Box 390  
Trinidad, CA 95570

**Re: Unpermitted "No Trespassing" signs on Wagner Street and bollards placed within the Wagner Street Trail/easement; CCC Violation File No. V-1-15-0017**

Dear Mr. Berman:

Thank you for meeting with Coastal Commission ("Commission") staff (Bob Merrill and Patrick Veearst) on February 25, 2015 to discuss matters pertaining to the City of Trinidad including the above-mentioned "No Trespassing" signs and bollards. As was discussed, the signs and bollards are unpermitted development that is discouraging public access to the Wagner Street Trail, other trails in the area, and the public beach at Indian Beach. The subject signs and bollards have apparently been placed by John Frame, whose property fronts Wagner Street and is traversed by the public access easement previously discussed. Since Wagner Street, the trail, and the easement are located within the City's Local Coastal Program ("the LCP") jurisdiction, I am writing to formally bring this matter to the attention of the City of Trinidad and to request that the City enforce against Mr. Frame for violating public access provisions of the LCP and relevant settlement agreements by directing the property owner to remove the signs and bollards and restore public access. If the signs/bollards are not removed in a timely manner (within two weeks), we request that the City take formal enforcement action against the property owner for placing unpermitted development and for violations of the public access provisions of the LCP and the Coastal Act, or request that the Commission assume primary responsibility for enforcement of this case.

As was also discussed, the subject easement is a requirement of CDP No. NCR-79-CC-1033, which was approved by the Commission on March 14, 1979, and issued on March 29, 1979. Said easement was recorded in the Humboldt County Recorder's Office on September 2, 1981 and is held by the Trinidad Coastal Land Trust. Please be advised that the Commission retains the authority to enforce the terms and conditions of permits that it has issued. The subject unpermitted development interferes with the public's use of the easement and thus, is a violation of the terms and conditions of CDP No. NCR-79-CC-1033. Further, the terms of subsequent settlement agreements/stipulated judgement to which the City, the Commission, the Coastal Conservancy, and Mr. Frame are parties, specifically prohibits any challenge to, or disruption of, the public's right to use this trail. Placement of restrictive signage and bollards within the easement and/or trail challenges and disrupts the public's use of same. Finally, the settlement agreements/stipulated judgements reiterate the requirements of the Coastal Act that a coastal development permit ("CDP") is necessary to authorize development activities

undertaken within the trail or easement (including the public portion of Wagner Street). Neither the City nor the Commission has issued a CDP for the subject development.

The western end of Wagner Street (where two of the signs are located) and the northwest corner of 427 Wagner Street (where a third sign is located) are in the City of Trinidad and within the Coastal Zone. All development in the Coastal Zone requires a coastal development permit (CDP), in this case issued by the City of Trinidad in accordance with the City of Trinidad's LCP.

Mr. Frame, in a conversation with Commission staff (Patrick Veasart and Joshua Levine) held on March 12, 2015 at the subject property, insists that a permit was granted by the City for the signs. We have searched our records and find no record of a CDP that authorizes the subject signs/bollard. Moreover, if a permit has been applied for or issued, it appears it would not be consistent with the provisions of the Coastal Act and the LCP. The placement of "No Trespassing" signs on a public street by private citizens is the "placement of solid material" and a "change in the intensity of access." Additionally, the placement of "No Trespassing" signs at the subject location(s) appears to be inconsistent with the settlements/stipulated judgement entered August 23, 1994. Finally, the placement of bollards within a public access easement directly restricts public access - both physically and visually. Together, the signs and bollards serve to privatize both the public street and the public access easement and thus directly interfere with the public's ability to access the trail system (located on City property) and the public beach.

Three permanent and prominent signs, that are the subject of this letter, have been posted along Wagner Street. The signs have a similar theme, appear to be professionally made, and are of two types:

- Type 1, "Private Drive, Please, Do Not Enter, Caution, No Turn around"
- Type 2, "Private Property, Private Drive, No Trespassing, Dogs, Turnaround, Violators Subject To Citation CPC 602.0"

On March 12, 2015, Commission staff inventoried the signage and the properties displaying the signs. At that time, they were as follows:

- APN 042-102-43 (no address associated) Here there are two signs, one of each type, facing Ocean Ave. at the entrance to Wagner Street.
- In between 427 Wagner Street and 475 Wagner Street. Here there is one sign (type 2) facing Ocean Ave. at the entrance to the easement.

In addition to the above signs, bollards were placed at the end of the easement and at the beginning of the Wagner Street trail. These bollards give the impression of restricted access inconsistent with the findings of the settlement/stipulated judgement of August 23, 1994 and the terms and conditions of CDP No. NCR-79-CC-1033.

On March 12, 2015, Commission staff discussed the matter with Mr. Frame and heard his concerns regarding the need for signage that addresses problems of vehicles using private property (allegedly, Wagner Street is a private street beyond the easement) to turnaround back to Ocean Avenue and with off-leash dogs. Mr. Frame was encouraged to discuss these concerns with City Planning staff and to secure a CDP from the City authorizing appropriate signage. It was also explained to Mr. Frame that a CDP authorizing restrictive signage in this location would likely need to be conditioned to include signage or language welcoming the public to use the trail/easement in order to mitigate the negative visual message that restrictive

signage in this location would convey. In any event, Mr. Frame was clearly put on notice that the subject signs and bollards are a violation of the public access provisions of the Coastal Act; the LCP; the terms and conditions of CDP No. NCR-79-CC-1033; and the settlement agreement/stipulated judgement. He was further informed that they must be removed unless and until he has secured a CDP for same.

We are now writing to formally request that the City require Mr. Frame to immediately remove the illegal signs and bollards. If Mr. Frame refuses or fails to act in a timely manner, we request that the City take enforcement action for the above referenced violations.

We would like to coordinate with you on enforcement regarding this violation, and we are offering to assist the City of Trinidad in the enforcement of the City's LCP and the Coastal Act. Please notify me by COB March 27, 2015 whether the City intends to take enforcement action for the above-mentioned violations, or would prefer the Commission to address them. If the latter, the Commission will pursue enforcement action, which may include the issuance of a cease and desist and restoration order for all of the unpermitted development, including development within the City's LCP jurisdiction, and the Commission may seek administrative penalties pursuant to Section 30821 of the Coastal Act.

While enforcement action by the Commission does not preclude the City from pursuing resolution of violations of LCP policies, the Commission may assume primary responsibility for enforcement of Coastal Act violations at issue in this case pursuant to Section 30810(a) of the Coastal Act. Section 30810(a) of the Coastal Act provides that the Commission may issue an order to enforce the requirements of a certified local coastal program in the event that the local government requests the Commission to assist with or assume primary responsibility for issuing such order, or if the local government declines to act or fails to act in a timely manner to resolve the violation after receiving a request to act from the Commission.

Additionally, Section 30810(a) of the Coastal Act authorizes the Commission to order persons who undertake activities that are inconsistent with permits previously issued by the Commission to cease and desist. And Section 30811 authorizes the Commission to order restoration of a site if it finds that development inconsistent with the Coastal Act has occurred without a CDP and is causing continuing resource damage.

Section 30210 of the Coastal Act states that "maximum access... shall be provided for all the people..." and Section 30211 states that "Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization..." Preserving the public's right of access is a high priority for the Coastal Commission. In this case, the public has a right to traverse the public street, public access easement, and city-owned trail system to access the coastal bluff trail and the public beach below. The above described unpermitted development activities, including the placement of signage and bollards, directly interfere with the public's right to access the sea as required by Sections 30210 and 30211.

In cases involving violation(s) of the public access provisions of the Coastal Act, which is the case here, Section 30821 authorizes the Commission to impose administrative civil penalties in an amount of up to \$11,250 per day for each violation.

Thank you again for taking the time to meet with us and for your time and attention to this matter. We look forward to working with you and your staff to resolve this matter. Should you have questions, please contact me at (707) 826-8950.

Sincerely,



Joshua Levine  
North Coast District Enforcement Officer

cc: **Lisa Haage, Chief of Enforcement**  
**Patrick Veesart, Enforcement Supervisor Northern Districts**  
**Alex Helperin, Senior Staff Counsel**  
**Matt Christen, Staff Counsel**  
**Melissa Kraemer, Supervisor, Planning and Regulation**  
**Bob Merrill, North Coast District Manager**  
**Alison Dettmer, Deputy Director**  
**Karyn Gear, State Coastal Conservancy**  
**Amy Roach, State Coastal Conservancy**  
**Su Corbaley, State Coastal Conservancy**  
**Matthew Marshall, Trinidad Coastal Land Trust**