



Posted: Friday, January 05, 2023

NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on
TUESDAY, JANUARY 09, 2024, at 6:00 PM
at the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA.

CLOSED SESSION BEGINS AT 5:30PM

For your convenience, this meeting will also be held via videoconference, hosted on the **Zoom platform**. Learn more about Zoom here: <https://zoom.us>

PUBLIC COMMENT: Public comment may be submitted via email in advance of the meeting, or in an orderly process during the meeting. If you do not have access to email and you would like to provide a written statement, please deliver your comments to 409 Trinity Street, Trinidad CA, by 2:00pm on the meeting day, or email to cityclerk@trinidad.ca.gov

HOW TO PARTICIPATE: You are invited to participate in person at the Trinidad Town Hall, or by Zoom. The City will publish a direct link to the Zoom teleconference, along with the participant code, on the City Calendar page online at <http://trinidad.ca.gov/calendar>

To phone in, dial 1-888-278-0296, Conference Code: 685171 Meeting ID: 891 6162 4466 Passcode: 046321

PLEASE NOTE that live meeting logistics will be prioritized. Connectivity issues on the part of the City may result in the meeting being delayed or rescheduled but technical challenges experienced by individuals will not interrupt or halt progress of the meeting.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation (Calif. Gov. Code Section 54956.9(d)(1)) (1 Case: City of Trinidad vs. Tsurai Ancestral Society, et. al, Humb. Co. Sup. Court Case No. 180684)

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

VI. APPROVAL OF MINUTES – 11-14-2023 cc

VII. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS

VIII. STAFF REPORTS – City Manager & Humboldt County Sheriff Dept.

IX. ITEMS FROM THE FLOOR

At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Please direct your comments to the Council as a whole, maintain decorum and avoid personal attacks on staff, members of the Council and/or other members of the public. Council and staff responses will be minimal for non-agenda items.

X. CONSENT AGENDA

All matters on the Consent Agenda are considered routine by the City Council and are enacted in one motion. There is no separate discussion of any of these items. If discussion is requested by any Council member, that item is removed from the Consent Calendar and considered separately. A single opportunity for public comment on the Consent Agenda is available to the public.

1. Staff Activity Report – December 2023

2. Financial Statements – November 2023
3. Law Enforcement Report – November/December 2023.

DISCUSSION/ACTION AGENDA ITEMS

1. Introduction/First Reading of Ordinance 2024-01; Introduction/First Reading of Ordinance 2024-01; Updating the CA Coastal Commission certified version of the City of Trinidad Zoning Ordinance, Title 17 of the Trinidad Municipal Code for consistency with the codified version of the Zoning Ordinance and reaffirming and correcting previous amendments that were not submitted to the Coastal Commission for certification.
2. Introduction/First Reading of Ordinance 2024-02; Correcting and reaffirming codification of the City of Trinidad Zoning Ordinance
3. Discussion/Decision to Award Construction Contract for the Trinidad Water Storage Tank and Pipeline Replacement Project
4. 2024 Calendar Year Orientation, Meeting Schedule, Project Priorities and Updates
5. Discussion/Decision regarding Mid-Year 2023-2024 Budget Update and Adjustments.

X. FUTURE AGENDA ITEMS

XI. ADJOURNMENT

APPROVAL OF MINUTES FOR:

NOVEMBER 14, 2023 CC

Supporting Documentation follows with:

6 PAGES



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION ATTACHED

1. Staff Activity Report – December 2023

Upcoming Holidays:

City Hall offices will be closed for the following days:

- January 15th for Martin Luther King Day
- February 19th for President's Day

Small Scene Filming:

Since residents may be curious as to what is taking place at the end of January, be aware that a small scene filming is scheduled to take place by the Trinidad Eatery. You may see equipment or trucks in the Parker and Hector streets area around January 29-30th (tentative dates). Plan to go about your normal business so as not to distract from the filming. More details may be available on the City's website.

CIRA:

The City's insurance pool, CIRA (California Intergovernmental Risk Authority), voted not to cover the Van Wycke Trail if it is reopened without improvements. The California Coastal Commission voted in the Fall for the City to find ways to reopen the trail. The City is meeting monthly with Coastal Commission staff to consider options for the trail since the Commission wants a response from the City within 6 months of their meeting.

Water Plant Operations:

The Water Plant is experiencing high turbidity with the winter rains. Staff is having to backwash the filters frequently in order to keep the drinking water free of debris from Luffenholtz Creek. This summer will see the Water Tank and Pipeline Project take place to further improve the water system.

Community Survey:

Staff is preparing a survey of Trinidad Residents that will be distributed this spring. One option will be to complete the survey online. Be on the lookout for the survey and we hope for a high response.

STAFF REPORT SUPPLEMENTAL

Date: Tuesday, January 09, 2024

Background Info: In light of the drought affecting the State, there has been concern among residents regarding how the City of Trinidad is responding to the Governor's Order calling on all Californians to do their part by reducing consumption.

Luffenholtz Creek flow readings are presented to the Council on an as-needed basis - during drought events or when requested. November, December, January, and once again February has delivered abundant amounts of rainfall, providing relief from stress-related drought on the watershed. With this in mind, the focus of these reports (during the wet season) will be to share and put into perspective how Trinidad's water consumption metrics compare to those of recent years.

The amounts represent the total water sold, captured by 325 customer meters, measured in cubic feet (7.48 gallons = 1 cubic foot).

July 2019	282,552 cuft	January 2019	151,049
July 2020	275,612	January 2020	199,348
July 2021	251,168	January 2021	161,379
July 2022	198,081	January 2022	189,201
July 2023	223,806 (16.37% Water Loss)	January 2023	154,543
August 2019	307,500	February 2019	166,565
August 2020	273,992	February 2020	155,015
August 2021	269,771	February 2021	178,545
August 2022	227,681	February 2022	154,634
August 2023	265,808 (17.03% Water Loss)	February 2023	136,626
September 2019	238,316	March 2019	144,604
September 2020	302,614	March 2020	164,854
September 2021	227,831	March 2021	187,607
September 2022	216,470	March 2022	184,103
September 2023	200,348 (15.99% Water Loss)	March 2023	152,813 (21.58 Water Loss)
October 2019	188,075	April 2019	160,185
October 2020	230,430	April 2020	199,450
October 2021	203,176	April 2021	192,287
October 2022	180,065	April 2022	173,115
October 2023	188,335 (22.08% Water Loss)	April 2023	145,504 (20.19 Water Loss)
November 2019	211,649	May 2019	236,444
November 2020	198,813	May 2020	183,368
November 2021	204,438	May 2021	242,529
November 2022	169,144	May 2022	154,634
November 2023	151,914 (22.06% Water Loss)	May 2023	211,380 (23.13 Water Loss)
December 2019	201,305	June 2019	219,764
December 2020	185,860	June 2020	240,055
December 2021	201,160	June 2021	269,087
December 2022	170,419	June 2022	233,692
December 2023	122,937 (27% Water Loss)	June 2023	209,366 (13.63% Water Loss)

Water sold in November hit a 5-year low, and December reached a 20-year low. High water loss was attributed to water line repairs that required additional unmetered flushing, specifically on Scenic Drive. We will continue to monitor consumption each month and report this information (along with summary trends and analysis) to the Council for review, comparison, and questions at each meeting.



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION ATTACHED

2. Financial Statements – November 2023

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 11/1/2023 Through 11/30/2023

	Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue				
41010	0.00	0.00	100,000.00	100.00)%
41020	0.00	0.00	3,800.00	100.00)%
41040	0.00	0.00	25.00	100.00)%
41050	0.00	0.00	1,300.00	100.00)%
41060	0.00	0.00	200.00	100.00)%
41070	0.00	0.00	500.00	100.00)%
41110	0.00	0.00	1,300.00	100.00)%
41130	0.00	0.00	1,900.00	100.00)%
41140	0.00	0.00	4,500.00	100.00)%
41220	0.00	0.00	28,500.00	100.00)%
42000	31,155.79	101,615.36	350,000.00	(70.97)%
43000	28,992.76	108,693.68	150,000.00	(27.54)%
46000	0.00	0.00	10,000.00	100.00)%
47310	0.00	0.00	300.00	100.00)%
53010	0.00	0.00	50.00	100.00)%
53020	522.01	17,578.82	15,300.00	14.89%
53090	598.50	2,527.99	9,000.00	(71.91)%
54020	1,500.00	10,342.80	20,000.00	(48.29)%
54050	513.65	2,925.18	15,000.00	(80.50)%
54100	0.00	190.00	300.00	(36.67)%
54150	300.00	525.00	8,000.00	(93.44)%
54170	300.00	300.00	9,600.00	(96.88)%
54300	0.00	0.00	400.00	100.00)%
56500	0.00	0.00	5,125.00	100.00)%
56550	0.00	0.00	13,500.00	100.00)%
56650	1,293.85	2,577.48	7,000.00	(63.18)%
56700	150.00	2,220.00	6,000.00	(63.00)%
Total Revenue	65,326.56	249,496.31	761,600.00	(67.24)%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 11/1/2023 Through 11/30/2023

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
60900	HONORARIUMS	250.00	1,250.00	3,000.00	58.33%
61000	EMPLOYEE GROSS WAGE	18,415.03	64,019.24	148,820.00	56.98%
61470	FRINGE BENEFITS	1,280.79	4,696.24	2,160.00	(117.42)%
65100	DEFERRED RETIREMENT	1,726.77	5,974.46	17,858.00	66.54%
65200	MEDICAL INSURANCE AND EXPENSE	1,292.81	11,225.35	24,504.00	54.19%
65250	Health Savings Program	9.00	46.00	1,015.00	95.47%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	4,947.00	100.00%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	102.39	868.39	750.00	(15.79)%
65600	PAYROLL TAX	1,629.84	6,059.85	12,751.00	52.48%
65800	Grant Payroll Allocation	(2,341.46)	(11,453.67)	(26,000.00)	55.95%
68090	CRIME BOND	0.00	1,121.50	1,115.00	(0.58)%
68200	INSURANCE - LIABILITY	0.00	23,501.40	20,800.00	(12.99)%
68300	PROPERTY & CASUALTY	0.00	8,008.65	6,000.00	(33.48)%
71110	ATTORNEY-ADMINISTRATIVE TASKS	2,738.50	15,844.38	40,000.00	60.39%
71130	ATTORNEY-LITIGATION	8,772.50	12,050.50	10,000.00	(20.50)%
71310	CITY PLANNER-ADMIN. TASKS	11,163.43	32,213.24	80,000.00	59.73%
71410	BLDG INSPECTOR-ADMIN TASKS	0.00	10,996.23	25,000.00	56.02%
71510	ACCOUNTANT-ADMIN TASKS	1,251.51	6,476.64	17,000.00	61.90%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	17,500.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	0.00	15,000.00	100.00%
74110	GRANT EXPENSE	0.00	0.00	3,800.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	203.00	5,497.25	6,000.00	8.38%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	500.00	2,000.00	75.00%
75170	RENT	750.00	3,750.00	9,000.00	58.33%
75180	UTILITIES	1,168.39	5,634.42	15,000.00	62.44%
75190	DUES & MEMBERSHIP	0.00	835.00	1,500.00	44.33%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	499.58	3,500.00	85.73%
75220	OFFICE SUPPLIES & EXPENSE	1,523.99	4,031.75	5,000.00	19.36%
75240	BANK CHARGES	0.00	171.00	100.00	(71.00)%
75280	TRAINING / EDUCATION	0.00	0.00	200.00	100.00%
75300	CONTRACTED SERVICES	2,998.11	2,998.11	500.00	(499.62)%
75990	MISCELLANEOUS EXPENSE	70.00	105.20	500.00	78.96%
76110	TELEPHONE	575.25	2,903.86	6,000.00	51.60%
76130	CABLE & INTERNET SERVICE	316.97	890.42	3,000.00	70.32%
76150	TRAVEL	238.00	1,530.00	3,000.00	49.00%
78120	STREET LIGHTING	0.00	26.30	0.00	0.00%
78170	SECURITY SYSTEM	76.50	392.68	500.00	21.46%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
89500	Penalties - Non-Deductible	0.00	100.20	0.00	0.00%
	Total Expense	54,211.32	222,764.17	482,320.00	53.81%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 11/1/2023 Through 11/30/2023

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	1,274.16	4,409.46	10,425.00	57.70%
61470	FRINGE BENEFITS	103.86	380.82	480.00	20.66%
65100	DEFERRED RETIREMENT	163.68	568.96	1,251.00	54.52%
65200	MEDICAL INSURANCE AND EXPENSE	0.00	0.00	319.00	100.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	347.00	100.00%
65600	PAYROLL TAX	116.91	406.33	893.00	54.50%
75170	RENT	750.00	3,750.00	9,000.00	58.33%
75180	UTILITIES	278.61	1,116.11	2,750.00	59.41%
75300	CONTRACTED SERVICES	0.00	0.00	117,000.00	100.00%
75350	ANIMAL CONTROL	151.00	755.00	6,800.00	88.90%
76130	CABLE & INTERNET SERVICE	90.36	451.81	0.00	0.00%
78170	SECURITY SYSTEM	0.00	153.00	600.00	74.50%
	Total Expense	<u>2,928.58</u>	<u>11,991.49</u>	<u>149,865.00</u>	<u>92.00%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 11/1/2023 Through 11/30/2023

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	750.00	2,400.00	68.75%
75180	UTILITIES	0.00	133.41	1,150.00	88.40%
75190	DUES & MEMBERSHIP	0.00	0.00	350.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	35,000.00	100.00%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	220.20	0.00	0.00%
76110	TELEPHONE	203.40	582.09	1,300.00	55.22%
76140	RADIO & DISPATCH	0.00	0.00	1,800.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	76.96	350.00	78.01%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	1,234.36	1,234.36	3,000.00	58.85%
78190	MATERIALS, SUPPLIES & EQUIPMEN	251.28	309.86	5,000.00	93.80%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
	Total Expense	<u>1,839.04</u>	<u>3,306.88</u>	<u>54,350.00</u>	<u>93.92%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 11/1/2023 Through 11/30/2023

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
61000	EMPLOYEE GROSS WAGE	18,629.58	65,168.65	134,860.00	51.68%
61250	OVERTIME	0.00	0.00	500.00	100.00%
61470	FRINGE BENEFITS	69.24	253.84	240.00	(5.77)%
65100	DEFERRED RETIREMENT	1,107.95	3,877.77	12,289.00	68.45%
65200	MEDICAL INSURANCE AND EXPENSE	2,061.67	10,800.78	26,866.00	59.80%
65250	Health Savings Program	19.25	110.00	1,330.00	91.73%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	4,483.00	100.00%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	0.00	0.00	100.00	100.00%
65600	PAYROLL TAX	1,483.39	5,177.21	11,257.00	54.01%
65800	Grant Payroll Allocation	(4,102.48)	(36,527.07)	(95,000.00)	61.55%
71210	CITY ENGINEER-ADMIN. TASKS	3,322.00	13,018.60	15,000.00	13.21%
75190	DUES & MEMBERSHIP	0.00	88.81	0.00	0.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	3,600.00	100.00%
75300	CONTRACTED SERVICES	13,475.75	26,706.94	5,000.00	(434.14)%
75370	UNIFORMS/PERSONAL EQUIP.	1,009.53	1,686.13	1,000.00	(68.61)%
75990	MISCELLANEOUS EXPENSE	0.00	600.00	0.00	0.00%
76110	TELEPHONE	0.00	123.47	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	5,466.54	5,000.00	(9.33)%
78120	STREET LIGHTING	427.58	2,149.58	5,000.00	57.01%
78130	TRAIL MAINTENANCE	0.00	7,547.70	10,000.00	24.52%
78140	VEHICLE FUEL & OIL	612.81	3,359.04	4,000.00	16.02%
78150	VEHICLE REPAIRS	131.23	1,020.22	2,500.00	59.19%
78160	BUILDING REPAIRS & MAINTENANCE	240.00	684.14	14,000.00	95.11%
78190	MATERIALS, SUPPLIES & EQUIPMEN	358.30	3,491.71	5,000.00	30.17%
78200	EQUIPMENT REPAIRS & MAINTENANC	32.31	439.12	2,500.00	82.44%
	Total Expense	38,878.11	115,243.18	169,525.00	32.02%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
56150	FRANCHISE FEES	1,489.07	6,615.87	11,000.00	(39.86)%
	Total Revenue	1,489.07	6,615.87	11,000.00	(39.86)%
	Expense				
75130	GARBAGE	23.00	46.00	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,800.00	100.00%
	Total Expense	23.00	46.00	1,800.00	97.44%
	Net Income	1,466.07	6,569.87	9,200.00	(28.59)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
213 - SB2 Planning Grant
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	0.00	814.65	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	7,525.41	0.00	0.00%
	Total Expense	0.00	8,340.06	0.00	0.00%
	Net Income	0.00	(8,340.06)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
214 - HCD LEAP Grant
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	0.00	2,095.68	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	11,663.05	0.00	0.00%
	Total Expense	0.00	13,758.73	0.00	0.00%
	Net Income	0.00	(13,758.73)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
215 - LCP Update Grant #3
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	51.91	2,260.41	0.00	0.00%
75300	CONTRACTED SERVICES	1,812.50	2,356.25	0.00	0.00%
	Total Expense	1,864.41	4,616.66	0.00	0.00%
	Net Income	(1,864.41)	(4,616.66)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
216 - CalRecycle SB 1383 Assistance Grant
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	2,041.38	5,373.14	0.00	0.00%
	Total Expense	2,041.38	5,373.14	0.00	0.00%
	Net Income	(2,041.38)	(5,373.14)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
217 - REAP Housing Grant HCAOG
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	248.17	909.82	0.00	0.00%
	Total Expense	248.17	909.82	0.00	0.00%
	Net Income	(248.17)	(909.82)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
303 - COPS Program
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	0.00	150,000.00	(100.00)%
	Total Revenue	0.00	0.00	150,000.00	(100.00)%
	Expense				
75300	CONTRACTED SERVICES	0.00	56,542.00	267,000.00	78.82%
	Total Expense	0.00	56,542.00	267,000.00	78.82%
	Net Income	0.00	(56,542.00)	(117,000.00)	(51.67)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
503 - State Gas Tax
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	0.00	15,000.00	(100.00)%
47030	GAS TAX REVENUE (2103)	0.00	1,068.04	0.00	0.00%
47050	GAS TAX REVENUE (2105)	0.00	635.70	0.00	0.00%
47060	GAS TAX REVENUE (2106)	0.00	2,034.03	0.00	0.00%
47070	GAS TAX REVENUE (2107)	0.00	876.19	0.00	0.00%
47075	GAS TAX REVENUE (2107.5)	0.00	1,000.00	0.00	0.00%
	Total Revenue	0.00	5,613.96	15,000.00	(62.57)%
	Expense				
75250	TRANSIT SERVICES- HTA	0.00	5,529.00	0.00	0.00%
	Total Expense	0.00	5,529.00	0.00	0.00%
	Net Income	0.00	84.96	15,000.00	(99.43)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
504 - TDA - Transporation Development Agency
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	5,218.00	14,500.00	(64.01)%
	Total Revenue	0.00	5,218.00	14,500.00	(64.01)%
	Expense				
60000	INTERDEPARTMENTAL TRANSFER EXP	0.00	0.00	8,500.00	100.00%
75250	TRANSIT SERVICES- HTA	0.00	0.00	5,500.00	100.00%
	Total Expense	0.00	0.00	14,000.00	100.00%
	Net Income	0.00	5,218.00	500.00	943.60%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
518 - OWTS - Onsite Wastewater Treatment System
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
54020	PLANNER- APPLICATION PROCESSIN	75.00	1,890.00	0.00	0.00%
54050	BLDG.INSP-APPLICATION PROCESSI	0.00	(200.00)	0.00	0.00%
	Total Revenue	75.00	1,690.00	0.00	0.00%
	Expense				
71310	CITY PLANNER-ADMIN. TASKS	2,682.92	8,075.19	0.00	0.00%
	Total Expense	2,682.92	8,075.19	0.00	0.00%
	Net Income	(2,607.92)	(6,385.19)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
528 - Prop 84 Storm Water Grant Project
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	2,585.26	21,850.96	0.00	0.00%
75300	CONTRACTED SERVICES	34,614.65	109,757.08	0.00	0.00%
	Total Expense	37,199.91	131,608.04	0.00	0.00%
	Net Income	(37,199.91)	(131,608.04)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
529 - RMRA - Road Maintenance & Rehabilitation
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
47005	RMRA (SB1)	699.62	1,995.98	0.00	0.00%
	Total Revenue	699.62	1,995.98	0.00	0.00%
	Net Income	699.62	1,995.98	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
531 - OPC Coastal Resilience
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	1,043.64	10,345.38	0.00	0.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	500.00	0.00	0.00%
75300	CONTRACTED SERVICES	8,124.00	56,361.94	0.00	0.00%
	Total Expense	9,167.64	67,207.32	0.00	0.00%
	Net Income	(9,167.64)	(67,207.32)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
532 - HSIP Street Improvements DOT
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	157.11	2,196.53	0.00	0.00%
75300	CONTRACTED SERVICES	1,970.86	4,073.06	0.00	0.00%
	Total Expense	2,127.97	6,269.59	0.00	0.00%
	Net Income	(2,127.97)	(6,269.59)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
533 - OGALS Per Capita
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	63.29	1,391.93	0.00	0.00%
	Total Expense	63.29	1,391.93	0.00	0.00%
	Net Income	(63.29)	(1,391.93)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
534 - STIP Trinity St Road Rehab
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	253.17	742.20	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	18,545.41	0.00	0.00%
	Total Expense	253.17	19,287.61	0.00	0.00%
	Net Income	(253.17)	(19,287.61)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	12,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	1,000.00	(100.00)%
57100	WATER SALES	21,795.43	130,137.55	355,000.00	(63.34)%
57500	WATER A/R PENALTIES	3,546.12	593.09	10,000.00	(94.07)%
	Total Revenue	25,341.55	130,730.64	378,000.00	(65.42)%
Expense					
61000	EMPLOYEE GROSS WAGE	26,140.50	86,569.99	230,894.00	62.51%
61470	FRINGE BENEFITS	553.83	2,030.73	1,920.00	(5.77)%
65100	DEFERRED RETIREMENT	1,544.68	5,410.19	14,915.00	63.73%
65200	MEDICAL INSURANCE AND EXPENSE	1,690.93	9,788.87	24,507.00	60.06%
65250	Health Savings Program	13.00	69.00	1,015.00	93.20%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	7,675.00	100.00%
65600	PAYROLL TAX	2,172.03	7,245.95	18,804.00	61.47%
65800	Grant Payroll Allocation	(3,543.44)	(19,298.69)	(38,000.00)	49.21%
68090	CRIME BOND	0.00	603.89	600.00	(0.65)%
68200	INSURANCE - LIABILITY	0.00	12,654.60	10,632.00	(19.02)%
68300	PROPERTY & CASUALTY	0.00	4,312.35	3,000.00	(43.74)%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	500.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	1,793.15	3,500.00	48.77%
71230	ENGINEER-SPECIAL PROJECTS	0.00	0.00	5,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	982.70	2,845.48	5,000.00	43.09%
71510	ACCOUNTANT-ADMIN TASKS	673.89	3,487.41	9,000.00	61.25%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	10,000.00	100.00%
72100	BAD DEBTS	0.00	213.33	100.00	(113.33)%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	240.00	0.00	0.00%
75180	UTILITIES	1,658.67	10,028.05	20,000.00	49.86%
75190	DUES & MEMBERSHIP	0.00	601.00	950.00	36.74%
75200	MUNICIPAL/UPDATE EXPENSE	245.24	245.24	250.00	1.90%
75220	OFFICE SUPPLIES & EXPENSE	204.00	1,289.16	5,000.00	74.22%
75240	BANK CHARGES	0.00	10.00	100.00	90.00%
75280	TRAINING / EDUCATION	558.75	558.75	500.00	(11.75)%
75300	CONTRACTED SERVICES	21,486.01	68,645.81	261,000.00	73.70%
76110	TELEPHONE	324.35	1,816.62	1,800.00	(0.92)%
76130	CABLE & INTERNET SERVICE	61.95	309.75	750.00	58.70%
76160	LICENSES & FEES	1,461.73	1,461.73	5,000.00	70.77%
78140	VEHICLE FUEL & OIL	219.42	3,730.20	5,800.00	35.69%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	974.89	974.89	2,500.00	61.00%
78170	SECURITY SYSTEM	100.50	217.00	500.00	56.60%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	2,029.08	3,000.00	32.36%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	5,679.95	7,500.00	24.27%
79100	WATER LAB FEES	455.00	2,885.00	6,500.00	55.62%
79120	WATER PLANT CHEMICALS	0.00	3,601.17	9,000.00	59.99%
79150	WATER LINE REPAIR	0.00	7,318.24	25,000.00	70.73%
79160	WATER PLANT REPAIR	0.00	0.00	3,000.00	100.00%
	Total Expense	57,978.63	229,367.89	669,712.00	65.75%
	Net Income	(32,637.08)	(98,637.25)	(291,712.00)	(66.19)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
606 - Drought Relief Tank & Pipelines
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	981.72	9,702.27	0.00	0.00%
75300	CONTRACTED SERVICES	15,464.75	76,917.75	0.00	0.00%
	Total Expense	16,446.47	86,620.02	0.00	0.00%
	Net Income	(16,446.47)	(86,620.02)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
607 - Interie & Tank Projects DWR Grant
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	2,561.72	9,596.44	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	4,014.50	0.00	0.00%
	Total Expense	2,561.72	13,610.94	0.00	0.00%
	Net Income	(2,561.72)	(13,610.94)	0.00	0.00%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 11/1/2023 Through 11/30/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
58100	CEMETERY PLOT SALES	0.00	14,740.00	15,000.00	(1.73)%
	Total Revenue	0.00	14,740.00	15,000.00	(1.73)%
	Expense				
61000	EMPLOYEE GROSS WAGE	1,370.27	4,834.78	11,627.00	58.42%
61470	FRINGE BENEFITS	69.24	253.88	0.00	0.00%
65100	DEFERRED RETIREMENT	98.10	343.34	1,395.00	75.39%
65200	MEDICAL INSURANCE AND EXPENSE	177.31	887.80	2,748.00	67.69%
65250	Health Savings Program	1.25	5.00	140.00	96.43%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	386.00	100.00%
65600	PAYROLL TAX	117.19	414.02	996.00	58.43%
75180	UTILITIES	45.23	226.15	493.00	54.13%
75300	CONTRACTED SERVICES	1,215.00	1,215.00	3,000.00	59.50%
78170	SECURITY SYSTEM	142.50	268.50	500.00	46.30%
78190	MATERIALS, SUPPLIES & EQUIPMEN	255.32	255.32	500.00	48.94%
	Total Expense	3,491.41	8,703.79	21,785.00	60.05%
	Net Income	(3,491.41)	6,036.21	(6,785.00)	(188.96)%



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION ATTACHED

3. Law Enforcement Report – November/December 2023.

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results

City is trinidad or trin, Date Between 11/13/2023 and 11/26/2023

11/29/2023

Date	Inc #	Type	Time	Location	Dispositio
11/13/2023	2311130003	WELF	04:02:40	460 MAIN ST	No Report
11/13/2023	2311130063	ASSISTA	11:48:23	4150 PATRICKS POINT DR	Cancel Per Rp
11/13/2023	2311130113	242	16:41:28	27 SCENIC DR	Cad Documentation Only
11/13/2023	2311130136	XFER	19:11:38	199 N WESTHAVEN DR	Referred To Other Agency
11/14/2023	2311140008	XFER	01:09:35	753 PATRICKS POINT DR	Xfer to Medical
11/14/2023	2311140046	XFER	09:47:48	199 N WESTHAVEN DR	Xfer to Medical
11/14/2023	2311140058	WELF	11:02:46	435 PARKER CREEK DR	Cancel Per Rp
11/14/2023	2311140097	FU	13:37:45	27 SCENIC DR	Supplemental Taken
11/14/2023	2311140126	FU	16:16:03	1076 8TH AVE	Cad Documentation Only
11/14/2023	2311140141	XFER	18:39:09	15 BERRY RD	Xfer to Medical
11/15/2023	2311150012	33P	07:27:25	1090 STAGECOACH RD	Billable Alarm
11/15/2023	2311150018	TPAT	07:58:02	MAIN ST/VIEW AVE	Cad Documentation Only
11/15/2023	2311150020	TRF	08:03:38	TRINIDAD FRONTAGE RD/BER	Cited
11/15/2023	2311150038	33X	10:07:21	1658 PATRICKS POINT DR	Cancel Per Rp
11/15/2023	2311150063	ANIMAL	12:02:14	483 EAST ST	Cad Documentation Only
11/15/2023	2311150072	FU	13:13:24	130 BRINDLE LN	Cad Documentation Only
11/16/2023	2311160050	XFER	10:29:23	1112 N WESTHAVEN DR	Xfer to Medical
11/16/2023	2311160055	XFER	10:44:37	1112 N WESTHAVEN DR	Xfer to Medical
11/16/2023	2311160155	ANIMAL	21:44:57	483 EAST ST	Scheduled Incident Created
11/17/2023	2311170064	SUSPC	10:27:07	ANDERSON LN	Xfer to CHP
11/18/2023	2311180038	XFER	05:18:57	512 5TH AVE	Xfer to Medical
11/18/2023	2311180062	33P	10:34:49	54 N WESTHAVEN DR	Billable Alarm
11/19/2023	2311190118	XFER	17:09:40	US HWY 101/TRINIDAD EXIT	Xfer to CHP
11/19/2023	2311190128	DISABLE	18:35:47	HIGHWAY 101 OFF RAMP/WES	Public Assist
11/19/2023	2311190144	WELF	20:00:31	513 5TH AVE	Report Taken
11/20/2023	2311200028	ANIMAL	08:49:26	4150 PATRICKS POINT DR	Agency Assist
11/20/2023	2311200117	WELF	16:16:38	969 STAGECOACH RD	Cad Documentation Only
11/21/2023	2311210044	INC	09:44:42	52 METSKO LN	Cad Documentation Only
11/21/2023	2311210045	CIVS	10:03:14	364 OCEAN AVE	Good Service
11/21/2023	2311210047	TRF	10:16:17	SCENIC DR/BAKER RANCH RD	Cited
11/21/2023	2311210066	XFER	11:22:57	510 BIG LAGOON PARK RD	Xfer to Medical
11/21/2023	2311210076	RABID	12:20:20	.OLD HOME BEACH/PARKER C	Unable to Locate
11/21/2023	2311210131	44	17:01:20	306 VIEW AVE	Report Taken
11/21/2023	2311210142	XFER	19:11:24	930 SCENIC DR	Xfer to Medical
11/22/2023	2311220042	TRF	09:25:01	ANDERSON LN/STAGECOACH R	Varned
11/22/2023	2311220043	AVA	09:26:47	BIG LAGOON PARK RD	Marked For Abatement
11/22/2023	2311220145	XFER	19:46:39	99 LANGFORD RD	Xfer to Medical
11/23/2023	2311230045	XFER	14:39:02	HIGHWAY 101 OVERPASS/6TH	Xfer to CHP
11/23/2023	2311230057	242	16:45:24	120 WA-RAY RD	Arrest Made
11/23/2023	2311230077	FWKS	20:49:38	971 8TH AVE	Non-Essential Response
11/24/2023	2311240004	XFER	01:08:11	WESTHAVEN DR/S WESTHAVEN	nable to Locate
11/24/2023	2311240018	FU	07:56:28	27 SCENIC DR	Supplemental Taken
11/24/2023	2311240021	FU	08:24:48	389 MAIN ST	Supplemental Taken
11/24/2023	2311240026	ANIMAL	10:10:47	1053 8TH AVE	Public Assist



HUMBOLDT COUNTY SHERIFF'S OFFICE

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Incident Search Results

City is trinidad or trin, Date Between 11/13/2023 and 11/26/2023

11/29/2023

Date	Inc #	Type	Time	Location	Dispositio
11/24/2023	2311240040	FU	11:52:01	27 SCENIC DR	No Report
11/24/2023	2311240050	DISP	14:40:41	364 OCEAN AVE	Cad Documentation Only
11/24/2023	2311240055	DISP	15:55:25	361 VIEW AVE	Pending Recontact From Rp
11/24/2023	2311240099	XFER	20:57:42	27 SCENIC DR	Xfer to Medical
11/25/2023	2311250032	FU	08:36:51	27 SCENIC DR	Supplemental Taken
11/25/2023	2311250042	ASSISTP	10:40:57	BAY ST	Quiet on Arrival or Departur
11/26/2023	2311260033	33X	09:09:06	355 MAIN ST	Cancel Per Rp
11/26/2023	2311260212	XFER	20:38:01	US HWY 101	Xfer to CHP

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results

City is trinidad or trin, Date Between 11/27/2023 and 12/3/2023

12/04/2023

Date	Inc #	Type	Time	Location	Dispositio
11/27/2023	2311270254	487	15:32:29	52 METSKO LN	Online Report
11/28/2023	2311280011	33X	03:41:17	101 MAIN ST	Billable Alarm
11/28/2023	2311280012	TRF	04:06:09	SCENIC DR/KIDDER RD	Warned
11/28/2023	2311280025	911C	07:52:04	199 N WESTHAVEN DR	Cad Documentation Only
11/28/2023	2311280111	ANIMAL	16:11:25	271 LYNDA LN	Cad Documentation Only
11/29/2023	2311290038	AVA	08:33:32	510 BIG LAGOON PARK RD	Scheduled Incident Created
11/29/2023	2311290065	ANIMAL	10:29:03	483 EAST ST	Admonished
11/29/2023	2311290091	RO	12:10:00	971 8TH AVE	No Report
11/29/2023	2311290102	XFER	12:55:26	WESTHAVEN RD	Xfer to Fire
11/29/2023	2311290110	ANIMAL	13:43:31	448 GIPSON DR	Public Assist
11/29/2023	2311290132	DISP	14:58:39	510 BIG LAGOON PARK RD	Cad Documentation Only
11/29/2023	2311290172	XFER	21:03:29	US HWY 101	Xfer to CHP
11/30/2023	2311300021	AVA	07:05:23	510 BIG LAGOON PARK RD	Cad Documentation Only
11/30/2023	2311300029	XFER	08:04:59	US HWY 101/KANE RD	Xfer to CHP
11/30/2023	2311300035	EVIC	08:20:00	364 OCEAN AVE	Good Service
11/30/2023	2311300112	DISP	15:06:41	27 SCENIC DR	Cad Documentation Only
12/01/2023	2312010004	ASSISTA	01:45:46	101 MAIN ST	Agency Assist
12/01/2023	2312010071	FU	12:30:29	27 SCENIC DR	Report Taken
12/01/2023	2312010112	XFER	15:17:52	609 FERNCREST RD	Xfer to Medical
12/02/2023	2312020016	XFER	02:53:10	27 SCENIC DR	Xfer to CHP
12/02/2023	2312020038	FU	09:21:04	27 SCENIC DR	Supplemental Taken
12/02/2023	2312020076	TH	14:49:54	27 TRINIDAD FRONTAGE RD	Cad Documentation Only
12/02/2023	2312020123	XFER	22:17:18	US HWY 101	Xfer to CHP
12/02/2023	2312020124	XFER	22:18:05	US HWY 101	Xfer to CHP
12/02/2023	2312020125	XFER	22:20:36	US HWY 101	Xfer to CHP
12/02/2023	2312020126	XFER	22:23:10	US HWY 101	Xfer to CHP
12/02/2023	2312020128	XFER	22:27:35	US HWY 101	Xfer to CHP
12/03/2023	2312030086	XFER	17:41:12	1672 STAGECOACH RD	Cad Documentation Only

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

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Incident Search Results

City is trinidad or trin, Date Between 12/11/2023 and 12/31/2023

01/02/2024

Date	Inc #	Type	Time	Location	Dispositio
12/11/2023	2312110044	415	09:46:08	199 N WESTHAVEN DR	Public Assist
12/11/2023	2312110061	XFER	11:18:51	US HWY 101/BIG LAGOON PA	Xfer to CHP
12/11/2023	2312110135	911C	16:50:10	300 TRINITY ST	Cad Documentation Only
12/11/2023	2312110136	594	16:51:19	300 TRINITY ST	Report Taken
12/12/2023	2312120029	911H	09:14:15	1313 N WESTHAVEN DR	Cad Documentation Only
12/12/2023	2312120042	CIVS	10:32:09	1125 DRIVER RD	Negative Service
12/12/2023	2312120048	CIVS	10:49:57	362 WESTGATE DR	Negative Service
12/12/2023	2312120161	TRF	22:41:14	27 SCENIC DR	Warned
12/13/2023	2312130052	AVACHP	10:02:18	TRINIDAD FRONTAGE RD/ALD	Gone On Arrival
12/13/2023	2312130059	INC	10:43:02	1313 N WESTHAVEN DR	Phone Malfunction
12/13/2023	2312130097	XFER	13:31:20	950 SCENIC DR	Xfer to CHP
12/13/2023	2312130146	WELF	17:00:10	505 WEST ST	Admonished
12/14/2023	2312140038	911M	09:00:38	406 OCEAN AVE	Accidental Dial
12/14/2023	2312140063	594	10:52:50	27 SCENIC DR	Report Taken
12/14/2023	2312140074	911M	11:38:00	1313 N WESTHAVEN DR	Accidental Dial
12/14/2023	2312140099	XFER	13:37:13	TRINIDAD FRONTAGE RD/HIG	Xfer to CHP
12/14/2023	2312140157	XFER	18:01:48	US HWY 101	Xfer to CHP
12/15/2023	2312150038	CIVS	08:54:51	1100 KANE RIDGE RD	Good Service
12/15/2023	2312150051	CIVS	09:51:35	1125 DRIVER RD	Negative Service
12/15/2023	2312150057	XFER	10:27:05	1112 WESTHAVEN DR	Xfer to Medical
12/15/2023	2312150059	XFER	10:30:36	199 N WESTHAVEN DR	Xfer to Medical
12/15/2023	2312150070	ASSISTP	11:38:38	1639 SCENIC DR	Public Assist
12/15/2023	2312150106	INV	14:45:14	357 MAIN ST	Cad Documentation Only
12/15/2023	2312150138	459V	17:01:33	3360 PATRICKS POINT DR	Report Taken
12/15/2023	2312150142	XFER	17:14:12	LIGHTHOUSE RD/BAY ST	Xfer to another agency
12/15/2023	2312150144	ANIMAL	17:21:16	BAY ST/TRINIDAD WHARF	Cad Documentation Only
12/15/2023	2312150166	XFER	20:25:48	27 SCENIC DR	Report Taken
12/16/2023	2312160049	FU	11:03:09	3633 PATRICKS POINT DR	Negative Contact Made
12/16/2023	2312160078	XFER	13:53:52	510 BIG LAGOON PARK RD	Xfer to CHP
12/16/2023	2312160138	ASSISTA	22:13:50	US HWY 101/PATRICKS POIN	Xfer to CHP
12/17/2023	2312170034	DISP	09:53:25	110 WA-RAY RD	Cad Documentation Only
12/17/2023	2312170091	PC	19:04:54	27 SCENIC DR	Gone On Arrival
12/18/2023	2312180059	WELF	12:12:29	505 WEST ST	No Report
12/18/2023	2312180064	594	12:30:33	747 TRINIDAD FRONTAGE RD	Advised to Move Along
12/18/2023	2312180107	ASSISTA	16:52:22	999 SCENIC DR	Cancel Per Rp
12/19/2023	2312190016	XFER	06:28:29	WESTHAVEN DR	Xfer to CHP
12/20/2023	2312200029	SUSPC	08:39:41	1005 CEDAR AVE	Unable to Locate
12/20/2023	2312200057	TRF	11:04:00	27 SCENIC DR	Arrest Made
12/20/2023	2312200166	TPAT	23:14:18	MAIN ST/VIEW AVE	No Report
12/21/2023	2312210003	XFER	00:48:37	253 BAZEMORE LN	Xfer to Fire
12/21/2023	2312210005	XFER	00:56:43	253 BAZEMORE LN	Xfer to Fire
12/21/2023	2312210007	XFER	01:03:14	184 DRIFTWOOD LN	Xfer to Fire
12/21/2023	2312210008	XFER	01:03:44	253 BAZEMORE LN	Xfer to Fire
12/21/2023	2312210011	ASSISTA	01:14:17	253 BAZEMORE LN	Report Taken

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

Page 2

Incident Search Results**City is trinidad or trin, Date Between 12/11/2023 and 12/31/2023**

01/02/2024

Date	Inc #	Type	Time	Location	Dispositio
12/21/2023	2312210012	DISP	01:19:07	253 BAZEMORE LN	Cad Documentation Only
12/21/2023	2312210015	DISP	02:06:17	2585 PATRICKS POINT DR	Xfer to Fire
12/22/2023	2312220010	INV	01:57:51	US HWY 101 OFF RAMP/SEAW	Report Taken
12/22/2023	2312220040	CWS	09:47:37	822 N WESTHAVEN DR	Report Taken
12/23/2023	2312230079	FU	15:16:47	822 N WESTHAVEN DR	Supplemental Taken
12/24/2023	2312240081	PED	15:49:57	HIGHWAY 101 OFF RAMP/PAT	Agency Assist
12/25/2023	2312250013	911C	06:30:19	199 N WESTHAVEN DR	Quiet on Arrival or Departur
12/25/2023	2312250020	911M	09:41:35	199 N WESTHAVEN DR	Accidental Dial
12/25/2023	2312250068	BOOM	20:02:23	US HWY 101/TRINIDAD EXIT	Non-Essential Response
12/26/2023	2312260047	XFER	08:20:24	51 MIDWAY DR	Xfer to Medical
12/26/2023	2312260154	XFER	23:03:36	27 SCENIC DR	Xfer to Medical
12/27/2023	2312270034	XFER	07:17:57	15336 US HWY 101	Xfer to CHP
12/27/2023	2312270035	XFER	07:18:35	15336 US HWY 101	Xfer to CHP
12/27/2023	2312270037	DISP	07:27:39	15336 US HWY 101	Cad Documentation Only
12/27/2023	2312270039	DISP	07:38:46	15336 US HWY 101	Cad Documentation Only
12/27/2023	2312270083	XFER	13:50:08	2060 PATRICKS POINT DR	Xfer to Medical
12/27/2023	2312270112	VEHI	17:09:27	MAIN ST/PATRICKS POINT D	Field Interview
12/28/2023	2312280107	XFER	16:29:18	27 SCENIC DR	Xfer to Medical
12/29/2023	2312290019	XFER	07:04:49	US HWY 101/TRINIDAD EXIT	Xfer to CHP
12/29/2023	2312290020	TA	07:07:31	925 EDWARDS ST	Unable to Locate
12/29/2023	2312290071	SUSPP	11:26:31	KAY AVE/6TH AVE	Unable to Locate
12/29/2023	2312290155	WELF	20:45:33	420 GIPSON DR	No Report
12/30/2023	2312300047	415	11:30:10	1895 PATRICKS POINT DR	Arrest Made
12/30/2023	2312300085	CWS	18:23:27	1880 PATRICKS POINT DR	Previously Investigated
12/31/2023	2312310132	XFER	22:25:30	SCENIC DR	Xfer to CHP



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION ATTACHED

1. Introduction/First Reading of Ordinance 2024-01; Introduction/First Reading of Ordinance 2024-01; Updating the CA Coastal Commission certified version of the City of Trinidad Zoning Ordinance, Title 17 of the Trinidad Municipal Code for consistency with the codified version of the Zoning Ordinance and reaffirming and correcting previous amendments that were not submitted to the Coastal Commission for certification.

DISCUSSION AGENDA ITEM

January 9, 2024

Item: Update of the Zoning Ordinance as Codified in the Trinidad Municipal Code

As noted for the previous item, the City first codified its ordinances in 1990 with an update and creation of an online code in 2012, and the City is currently working on another update. As part of the process of comparing the codified zoning ordinance to the zoning ordinance that was certified by the Coastal Commission for the previous agenda item, some errors and inconsistencies were found in the codified version. This amendment corrects those generally minor errors, as well as modernizes a few things such as capitalization. All of these changes are summarized below. Note that the City Council might want to consider updating the formatting, punctuation, capitalization, etc. to modernize the entire code as part of the current code update to make future amendments easier. The City Planner worked with the City Attorney's office and Coastal Commission staff in reviewing these ordinances and deciding on amendments.

In addition to the codification updates, ordinance amendments that have occurred since the last codification have been added. This includes the emergency shelter ordinance, the STR ordinance, the housing zoning ordinance amendment, and reasonable accommodation ordinance. Because these ordinances have been duly adopted by the City Council, they are not shown in "track changes," even though they represent changes to the current, online code. However, a few corrections from the adopted versions have been made in track changes, generally for consistency with the rest of the code. In addition, references to the original, certified zoning ordinance section numbers were removed from the STR ordinance/section.

The purpose of this amendment is to reconcile the codified and certified versions of the Trinidad Zoning Ordinance to facilitate amendments, update internal code and statutory citations, and correct identified inconsistencies. A few other minor corrections and modifications were made, many of which convert the codified text back to what was originally adopted (and certified). Material and substantive revisions, particularly those that raise coastal resource and Coastal Act issues, will be thoroughly addressed in the upcoming comprehensive LCP update.

The following is a summary of the corrections and minor changes that were made.

- Capitalization: the codified ordinance uses almost no capitalization, but current best practice is to capitalize specific proper nouns. Specific City staff positions (e.g. City Clerk), bodies (e.g. City Council), zoning and land use designations (e.g. Open Space, Tsurai Study Area), documents (Trinidad General Plan), maps (e.g. Plate 3), acronyms (e.g. DBH), and specific permit types (e.g. Coastal Development Permit) were capitalized.

- Several references to state laws and regulations (e.g. Public Resources Code) were updated.
- Corrected references to “zoning title” back to “Zoning Ordinance.” Although § 17.04.020 states that Title 17 shall be known as the “zoning ordinance,” “zoning title” was used in the codified version instead.
- Moved § 17.76.030 to be a subsection of § 17.04.050, since they are related.
- Changed the title of § 17.08.010 back to "meaning of certain words." It was changed to "construction" in the original codification, but I think that title makes it seem like an out of place definition in Chapter 17.08 and therefore confusing.
- Deleted § 17.08.010.B, because there is no longer an Appendix A; all of those definitions have been incorporated into Chapter 17.08.
- Took the definitions of “City Council,” “planning commission,” and “hearings officer” out of the definition of “City” (§ 17.08.100) and gave them their own sections.
- Transferred two definitions from the STR section (17.56.190) to the definitions chapter (City Manager and Short Term Rental), because they apply more broadly.
- Deleted the ordinance reference under the definition of coastal development permit (§ 17.08.130) because that definition does not appear in ordinance 166; it must have been added as part of the codification.
- Added a new definition for Design Assistance Committee (DAC) (§ 17.08.182) as consisting of the Planning Commission, but the City Council now has the option to change the make-up of the DAC if desired. In the original zoning ordinance (and general plan), a DAC was tasked with design review. The DAC was defined as the Planning Commission plus one member of the City Council in § 17.60.020. However, that situation could cause problems with tie votes, and the City removed (most) references to the DAC and replaced them with the planning commission in 2001. But that ordinance was never submitted to the Coastal Commission for certification. In order to maintain consistency with the general plan and to provide the City with the option of having a DAC that is different from the Planning Commission (common in larger cities), staff is proposing to change all the references to the Planning Commission back to DAC, but define the DAC as the Planning Commission or as otherwise appointed by the City Council.
- Updated the definition of “development” to be consistent with the Coastal Act (§ 17.08.200)
- Reordered "parking lot" in the definitions (Chapter 17.08) to the appropriate alphabetical order (from § 17.08.640 to § 17.08.535).
- Corrected the numbering for the definition of “single room occupancy unit.”
- Added a definition of TMC (Trinidad Municipal Code) (§ 17.08.696) as this acronym is used throughout the code but never defined.

- Added the full zone name to the chapter for each zone rather than just the acronym, and defined the acronym at the beginning of each chapter.
- Changed “the” back to “said” as it was written in the original ordinance in several sections (17.08.480, 17.12.030, 17.12.050, 17.20.100.B, 17.56.170).
- Added "in this chapter" to § 17.20.010 § 17.32.010 and § 17.44.010 and “the following regulations in this chapter shall apply in all resource production zones” to § 17.24.010 for consistency with the language in other zone purpose sections. Similarly, “with a Use Permit” was added to § 17.44.030 for consistency with the language in other zones.
- Deleted *“This zone is also intended to provide necessary regulations for areas lying seaward of the mean high tide line.”* from § 17.20.010 and deleted § 17.20.030.C. The Coastal Commission did not certify this language in 1980, because the City does not have coastal development permit jurisdiction below the mean high tide line. The City elected to add the language back after certification for local review of projects. However, the regulations are incomplete for reviewing projects located below the mean high tide line, and those projects would require a CDP anyway. Therefore, staff recommends removing this language to avoid confusion. This issue can be reconsidered as part of the overall LCP update.
- Revised § 17.20.040 to reflect the certified language. As part of the certification process, the Coastal Commission required “partially” to be removed from subsection A, which was accomplished through ordinance #167. However, ordinance #167 revised other portions of this section as well, but those changes were not reflected in the certified ordinance. It appears there was an error somewhere. Regardless, the language has been revised so that it is consistent with what Coastal Commission staff consider the certified language.
- “Or” was added back to the ends of subsections A and B of § 17.20.070 to clarify that only one applies. Conversely, “or” was also added back to the ends of subsections 1, 2 and 3 of § 17.20.080.C to clarify that all apply. Both of these changes are consistent with the original ordinance language.
- Changed "such" to "slab" in § 17.20.090.C.2. The original ordinance used "slab" and it was changed as part of the codification process, but that was erroneously done; it should be slab.
- “Deceased” was corrected to “diseased” in § 17.28.080.
- Changed SR to UR in § 17.32.090 as that is the correct reference for that chapter. This was an error in the original ordinance that was not corrected in the codification.
- Deleted chapters 17.53 and 17.54 that were not certified by the Coastal Commission. The City subsequently adopted another STR ordinance (§ 17.56.190) and is currently working on another ADU ordinance.

- Removed “nonconforming uses” from § 17.56.110, because nonconforming uses was moved to its own chapter (17.64) as part of the codification.
- Corrected the code reference in § 17.56.070.E.3.
- Updated CA Dept. of Fish and Game to Fish and Wildlife in § 17.56.140.
- Clarified code references in § 17.56.150 and added “Coastal” to differentiate “Commission” from the Trinidad Planning Commission.
- Updated § 17.56.160.A.7 to refer to STRs instead of VDUs and the correct section. This subsection was added by the first VDU ordinance but was not updated in subsequent amendments.
- Updated § 17.56.180.B.9 same as above (STR v. VDU ordinance).
- Changed “prevents” to “presents” in the last sentence of § 17.60.050.C. This was either a typo or an erroneous “correction” in the codification process.
- Amended § 17.68.050 at the request of Coastal Commission staff. The Addition of “subject to certification by the Coastal Commission” is intended to prevent codification of uncertified ordinances as had happened in the past. And a sentence was deleted because there is no such process in the Coastal Act.
- Added "Coastal Development Permit" to the list of permits in several sections (e.g. §§ 17.56.150, 17.72.020, 17.72.130, and more); the ordinance was written without a separate process for CDPs, because § 17.72.070.A.1 states that a CDP will be deemed to be issued upon approval of other types of permits. However, we have had situations come up where only a CDP is required. This issue will be further addressed in the comprehensive update.
- Added “Coastal” before “Commission” in § 17.72.140 to differentiate it from the Planning Commission.
- Changed city engineer to Building Inspector in § 17.76.020 as the more appropriate enforcement official.

Attachments

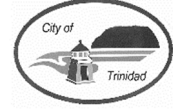
Zoning Ordinance Codification Update Amendment

Recommended Action:

Approve the first reading of Ordinance 2024-02

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

CHERYL KELLY, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF TRINIDAD

CORRECTING, UPDATING, AND REAFFIRMING CODIFICATION OF

THE CITY OF TRINIDAD ZONING ORDINANCE INCLUDING

AMENDMENTS MADE SINCE THE LAST CODIFICATION IN 2012

WITH MINOR CORRECTIONS FOR CONSISTENCY, TITLE 17 OF THE

TRINIDAD MUNICIPAL CODE

Section 1. Amendment of Title 17 of the Trinidad Municipal Code
Title 17 shall be amended to read as follows:

Title 17

ZONING

Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.12 Establishment and Designation of Zones
- 17.16 Open Space or OS Zone
- 17.20 Special Environment or SE Zone
- 17.24 Resource Production or RP Zone
- 17.28 Suburban Residential or SR Zone
- 17.32 Urban Residential or UR Zone
- 17.36 Planned Development or PD Zone
- 17.40 Visitor Services or VS Zone
- 17.44 Commercial or C Zone
- 17.48 Public and Religious or PR Zone
- 17.52 Combining Zones and MH Zone
- ~~17.53 Vacation Dwelling Units~~
- ~~17.54 Accessory Dwelling Units~~
- 17.56 Specific Use Regulations
- 17.58 Reasonable Accommodation
- 17.60 Design Review and View Preservation
- 17.64 Nonconforming Uses and Structures
- 17.68 Amendments
- 17.72 Variances, Conditional Use Permits and Design Review
- 17.76 Enforcement – Violation – Penalties

Chapter 17.04

GENERAL PROVISIONS

Sections:

- 17.04.010 Adoption.
- 17.04.020 Short title.
- 17.04.030 Purpose.
- 17.04.040 Conformity with ~~G~~general ~~P~~plan.
- 17.04.050 Conflict of regulations.

17.04.010 Adoption.

A. There is adopted a zoning ordinance of the ~~C~~city, as provided by Title 7 of the Government Code of the ~~S~~state of ~~C~~California. The ordinance codified in this title constitutes a precise plan for the use of land in conformity with the ~~G~~general ~~P~~plan and ~~G~~general ~~P~~plan standards.

B. The provisions of this title shall apply to all lands and waters and all owners of lands and waters within all the incorporated areas of the ~~C~~city. [Ord. 166 § 1.01, 1979].

17.04.020 Short title.

This title shall be known and cited as the “~~Z~~oning ~~O~~rdinance of the ~~C~~city of Trinidad.” [Ord. 166 § 1.02, 1979].

17.04.030 Purpose.

This title is adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, to provide a plan for sound and orderly development and to ensure social and economic stability within the various zones hereby established. In addition, it is the purpose of this title to implement the policies and programs of the Trinidad ~~G~~general ~~P~~plan. [Ord. 166 § 1.03, 1979].

17.04.040 Conformity with ~~the G~~general ~~P~~plan.

This title is based on, and is intended to be consistent with, the policies, programs and land use designations of the Trinidad ~~G~~general ~~P~~plan. If the Trinidad ~~G~~general ~~P~~plan is amended and is no longer consistent with this title, this title shall be amended so it is consistent with the Trinidad ~~G~~general ~~P~~plan as amended. Any amendments to this title adopted by the ~~C~~city ~~C~~ouncil shall be consistent with the policies, programs and land use designations of the Trinidad ~~G~~general ~~P~~plan. [Ord. 166 § 1.04, 1979].

17.04.050 Conflict of regulations.

~~A.~~ In addition to the regulations specified in ~~Chapters 17.16 through 17.48 of~~ this title for each of the principal zones, the ~~general~~ regulations set forth in Chapters 17.56 through 17.64 TMC shall be applicable to each and every such zone. In the event of conflict between the particular regulations set forth in this title and the ~~general~~ regulations set forth in Chapters 17.56 through 17.64 TMC, the ~~general~~ regulations of Chapters 17.56 through 17.64 TMC shall apply. [Ord. 166 § 4.01, 1979].

~~17.76.030 — Conflict with other regulations and private agreements.~~

~~B.~~ Where conflict occurs between the provisions of this title and the ~~B~~building ~~C~~ode or other regulations effective within the ~~C~~city, the more restrictive of any such regulations shall apply. It is not intended that this title shall interfere with or abrogate or annul any easements, covenants, or other agreements not in effect; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises than are imposed or required by such agreements, the provisions of this title shall control. [Ord. 166 § 7.22, 1979].

Chapter 17.08

DEFINITIONS

Sections:

- 17.08.010 ~~Construction~~ Meaning of certain words.
- 17.08.020 Advertising area.
- 17.08.030 Aggrieved person.
- 17.08.040 Agriculture.
- 17.08.050 Bluff.
- 17.08.060 Building.
- 17.08.070 Building, accessory.
- 17.08.080 Building ~~I~~nspector.
- 17.08.090 Campground.
- 17.08.100 City, ~~city council~~.
- 17.08.110 City ~~C~~lerk.
- 17.08.112 City Council.
- 17.08.114 City Manager.
- 17.08.120 Coastal Commission.
- 17.08.130 Coastal ~~D~~evelopment ~~P~~ermit.
- 17.08.140 Coastal ~~Z~~one.
- 17.08.150 Condominium.
- 17.08.170 ~~DBH~~~~dbh~~.
- 17.08.180 Density.
- 17.08.182 Design Assistance Committee.
- 17.08.185 Disability.
- 17.08.200 Development.
- 17.08.210 Duplex.
- 17.08.220 Dwelling, multifamily.
- 17.08.230 Dwelling, single-family.
- 17.08.240 Dwelling, townhouse.
- 17.08.250 Dwelling unit.
- 17.08.260 Emergency.
- 17.08.265 Emergency shelter.
- 17.08.267 Employee housing.
- 17.08.269 Fair housing laws.
- 17.08.270 Family.
- 17.08.275 Family daycare home.
- 17.08.280 Feasible.
- 17.08.290 Fence.
- 17.08.300 Fill.
- 17.08.310 Floor area, gross.
- 17.08.320 General ~~P~~lan.
- 17.08.330 Grade.
- 17.08.340 Guesthouse.
- 17.08.345 Hearings Officer.
- 17.08.350 Height.
- 17.08.360 Home occupation.
- 17.08.370 Kennel.
- 17.08.380 Lot.
- 17.08.390 Lot area.
- 17.08.400 Lot, corner.
- 17.08.410 Lot frontage.
- 17.08.420 Lot, interior.
- 17.08.430 Lot lines.
- 17.08.440 Lot line, rear.
- 17.08.450 Lot, nonconforming.

- 17.08.455 Manufactured housing.
- 17.08.460 Mobilehome.
- 17.08.470 Mobilehome park.
- 17.08.480 Motel, inn.
- 17.08.490 New.
- 17.08.500 Nonconforming.
- 17.08.510 Off-street parking.
- 17.08.520 Off-street loading.
- 17.08.530 Ownership.
- ~~17.08.653540~~ 17.08.53540 Parking lot, public.
- 17.08.540 Person.
- 17.08.545 Planning Commission.
- 17.08.550 Public works project.
- 17.08.555 Reasonable accommodation
- 17.08.560 Recreation, commercial.
- 17.08.570 Recreational vehicle or RV.
- 17.08.575 Residential care facility.
- 17.08.580 Rest home.
- 17.08.590 Servants' quarters.
- 17.08.600 Services, personal and professional.
- 17.08.605 Short Term Rental (STR).
- 17.08.610 Sign.
- 17.08.620 Sign, freestanding.
- 17.08.630 Sign, off-premises.
- ~~17.08.640~~ 17.08.640 Parking lot, public.
- 17.08.650 Sign, on-premises.
- ~~17.08.6535~~ 17.08.6535 Single room occupancy unit.
- 17.08.660 Story.
- 17.08.670 Street.
- 17.08.680 Structure.
- 17.08.690 Structure, accessory.
- 17.08.692 Supportive housing.
- 17.08.695 Target population.
- 17.08.696 TMC.
- 17.08.697 Transitional housing.
- 17.08.700 Use.
- 17.08.710 Use, accessory.
- 17.08.720 Use, principal permitted.
- 17.08.730 Yard.
- 17.08.740 Yard, front.
- 17.08.750 Yard, rear.
- 17.08.760 Yard, side.
- 17.08.770 Zone.
- 17.08.780 Zoning Administrator.

17.08.010 Meaning of certain wordsConstruction.

A. Unless the context otherwise requires, the definitions set forth or otherwise provided for in this chapter shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure," and the word "shall" is mandatory.

~~B. The definitions included in Appendix A of the ordinance codified in this title shall constitute supplementary definitions to be used in the interpretation and construction of this title.~~ [Ord. 166 §§ 2.02, ~~2.03~~, 1979].

17.08.020 Advertising area.

"Advertising area" means the total number of square feet within the boundaries of a parallelogram or triangle which encloses the message, word, symbol, design, picture or visual medium visible on the surface of any sign. For signs where the letters of a word are each located on separate surfaces facing in the same direction the advertising area

shall be the total number of square feet within the boundary of separate parallelograms enclosing each letter. Where a sign includes surfaces facing in different directions the advertising area shall be the largest total of advertising area visible from any one direction and in the case of a cylindrical and spherical shaped sign the advertising area shall be the largest cross-section thereof. [Ord. 166 Appx. A, 1979].

17.08.030 Aggrieved person.

“Aggrieved person” means any person who, in person or through a representative, appears at a public hearing of the Ccity in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informs the Ccity of the nature of his concerns or who for good cause is unable to do either. “Aggrieved person” includes the applicant for a permit. [Ord. 166 Appx. A, 1979].

17.08.040 Agriculture.

“Agriculture” means the tilling of the soil, the raising of crops, horticulture, vitaculture, small livestock farming, dairying, and/or animal husbandry, including all uses customarily incidental thereto but not including slaughterhouses, fertilizer yards, bone yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust, or fumes. [Ord. 166 Appx. A, 1979].

17.08.050 Bluff.

“Bluff” means a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass. The bluff may be simple planar or curved surface or it may be steplike in section. For the purposes of this title, “bluff” is limited to those features having vertical relief of 10 feet or more. “Bluff edge” is the upper termination of a bluff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the edge shall be defined as that point nearest the bluff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to the bluff edge. [Ord. 166 Appx. A, 1979].

17.08.060 Building.

“Building” means any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal, or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each portion shall be deemed to be a separate building. [Ord. 166 Appx. A, 1979].

17.08.070 Building, accessory.

“Accessory building” means a subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling, any building which is incidental to the conducting of any agricultural use shall be deemed an accessory building. [Ord. 166 Appx. A, 1979].

17.08.080 Building ~~I~~nspector.

“Building ~~I~~nspector” means the ~~B~~uilding ~~I~~nspector of the Ccity of Trinidad. [Ord. 166 § 2.01, 1979].

17.08.090 Campground.

“Campground” means a lot on which two or more recreational vehicles or tents are parked or located and used for sleeping or eating purposes. [Ord. 166 Appx. A, 1979].

17.08.100 City, ~~city council~~.

“City” means the Ccity of Trinidad. [Ord. 166 § 2.01, 1979].;

17.08.110 City Celrk.

“City Celrk” means the Ccity Celrk of the Ccity of Trinidad. [Ord. 166 § 2.01, 1979].

17.08.112 City Ceouncil.

“Ccity Council” or Council means the Ccity Council of the Ccity of Trinidad. [Ord. 166 § 2.01, 1979].; ~~“planning commission” means the planning commission of the city or a hearings officer appointed by the city council if the officer is acting in the commission’s stead. [Ord. 166 § 2.01, 1979].~~

17.08.114~~1~~ City Manager.

“City Manager” means the City Manager of the City of Trinidad or their designee.

17.08.120 Coastal Commission.

“Coastal Commission” means the California Coastal Commission as established in the California Coastal Act of 1976. [Ord. 166 Appx. A, 1979].

17.08.130 Coastal ~~D~~evelopment ~~P~~ermit.

“Coastal ~~D~~evelopment ~~P~~ermit” means a permit for any development within the ~~C~~oastal ~~Z~~one that is required pursuant to Section 30600(a) of the California Coastal Act of 1976. [~~Ord. 166 Appx. A, 1979~~].

17.08.140 Coastal ~~Z~~one.

“Coastal ~~Z~~one” means that land and water area of the ~~state~~ State of California in the city limits of the ~~C~~eity of Trinidad, specified on the maps identified and set forth in Section 17 of the California Coastal Act of 1976. [Ord. 166 Appx. A, 1979].

17.08.150 Condominium.

“Condominium” means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in a space in a residential, industrial or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property. [Ord. 166 Appx. A, 1979].

17.08.170 ~~DBH~~~~dbb~~.

“~~DBH~~~~dbb~~” means the diameter at breast height of a tree as computed by a licensed forester. [Ord. 166 Appx. A, 1979].

17.08.180 Density.

“Density” means the total number of square feet in a lot divided by the number of dwelling units located on the lot. [Ord. 166 Appx. A, 1979].

17.08.182 Design Assistance Committee.

“Design Assistance Committee” or DAC shall mean the Design Assistance Committee of the City of Trinidad. The DAC shall consist of the Planning Commission or an alternative committee consisting of no fewer than three residents of the City if appointed by majority vote of the City Council.

17.08.185 Disability.

“Disability” shall include physical disability, medical disability, and medical condition as defined in California Government Code Section 12926.

17.08.200 Development.

“Development” means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511), or as currently defined in Public Resources Code Section 30106. [Ord. 166 Appx. A, 1979].

17.08.210 Duplex.

“Duplex” means a freestanding building designed for and/or occupied by two families living independently of each other and with individual and separate cooking facilities. [Ord. 166 Appx. A, 1979].

17.08.220 Dwelling, multifamily.

“Multifamily dwelling” means a building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in ~~the said~~ building including apartment houses, but not including transient accommodations. [Ord. 166 Appx. A, 1979].

17.08.230 Dwelling, single-family.

“Single-family dwelling” means a freestanding building designed for and/or occupied exclusively by one family to include mobilehomes and manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the California Health and Safety Code. [Ord. 84-180 § 6, 1984; Ord. 175 § 5, 1981; Ord. 166 Appx. A, 1979].

17.08.240 Dwelling, townhouse.

“Townhouse dwelling” means a dwelling unit with a ground level story located in a building which includes two or more such dwelling units and each dwelling unit, together with the underlying lot, is owned separately from any other dwelling unit and lot. [Ord. 166 Appx. A, 1979].

17.08.250 Dwelling unit.

“Dwelling unit” means one room, or a suite of two or more rooms in a building designed for, intended for, or used by one family, which family lives, sleeps and cooks therein and which unit has one kitchen or kitchenette. [Ord. 166 Appx. A, 1979].

17.08.260 Emergency.

“Emergency” means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. [Ord. 84-180 § 6, 1984].

17.08.265 Emergency ~~s~~Shelter.

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

17.08.267 Employee ~~h~~Housing

“Employee housing” means accommodation provided by an employer for six or fewer employees, and shall have the same definition as in Section 17008 of the California Health and Safety Code. Employing housing for six or fewer persons is a residential use subject only to the same requirements as apply to other residential dwellings of the same type in the same zone.

7.08.269 Fair ~~h~~Housing ~~H~~aws.

"Fair housing laws" mean the "Fair Housing Amendments Act of 1988" (42 U.S.C. Section 3601 et seq.), including reasonable accommodation required by 42 U.S.C. Section 3604(f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900 et seq.), including reasonable accommodations required specifically by California Government Code Sections 12927(c)(1) and 12955(I), as any of these statutory provisions now exist or may be amended.

17.08.270 Family.

“Family” means one or more persons living together as a household in a dwelling unit. [Ord. 90-204 § 2(T), 1990; Ord. 166 Appx. A, 1979].

17.08.275 Family daycare home.

“Family daycare home” means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.

Aa. “Large family daycare home” means a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home, as set forth in California Health and Safety Code Section 1597.465 and as defined in regulations.

Bb. “Small family daycare home” means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in California Health and Safety Code Section 1597.44 and as defined in regulations.

Ce. A small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the

underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the daycare provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned.

17.08.280 Feasible.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. [Ord. 166 Appx. A, 1979].

17.08.290 Fence.

“Fence” means a masonry wall, or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of screening, enclosing space or separating parcels of land, but not including retaining walls. [Ord. 166 Appx. A, 1979].

17.08.300 Fill.

“Fill” means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed on any lands, including submerged areas. [Ord. 166 Appx. A, 1979].

17.08.310 Floor area, gross.

“Gross floor area” means the enclosed area of a building measured from an exterior surface to exterior surface, but excluding the following: exterior balconies and galleries covered but not enclosed; patios, atria and the like if not covered; common use areas for all tenants; garages and carports; major mechanical equipment rooms. [Ord. 166 Appx. A, 1979].

17.08.320 General Pplan.

“General Pplan” means the Trinidad Ggeneral Pplan, as amended, including the Sseismic Ssafety, Ppublic Ssafety, Nnoise and Sscenic Hhighway Eelements adopted in 1975 and the following elements adopted in 1976: Lland Uuse (including sections on existing land use, commercial development, and visitor accommodations), Ceirculation, Hhousing, Oopen Sspace and Ceonservation (including sections on unstable slopes, soil characteristics, water resources, and biological resources), Rrecreation, Ppublic Sservices and Ceommunity Ddesign. [Ord. 166 Appx. A, 1979].

17.08.330 Grade.

“Grade” means the average of the finished ground level at the center of all walls of a building. [Ord. 166 Appx. A, 1979].

17.08.340 Guesthouse.

“Guesthouse” means a structure accessory to a dwelling with sleeping and bathroom facilities that is not continuously occupied for residential purposes, and lacking any kitchen facilities. [Ord. 166 Appx. A, 1979].

17.08.345 Hearings Officer.

“Hhearings Oofficer” shall mean a person appointed by the Ceity Ceouncil ~~if the officer is to~~ acting in the Planning Ceommission’s stead. [Ord. 166 § 2.01, 1979].

17.08.350 Height.

“Height” means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. [Ord. 166 Appx. A, 1979].

17.08.360 Home occupation.

“Home occupation” means a use customarily conducted within a dwelling or accessory building by the inhabitants of the dwelling and which use is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the character of the dwelling or premises. [Ord. 166 Appx. A, 1979].

17.08.370 Kennel.

“Kennel” means any premises, except those accessory to an agricultural use, where five or more small domestic animals, not sick or injured, are boarded for compensation or cared for or trained for hire, or are kept for sale or breeding purposes. [Ord. 166 Appx. A, 1979].

17.08.380 Lot.

“Lot” means a tract of land lawfully established and officially recorded in the county assessor’s office, which constitutes a unit of land under single ownership. [Ord. 166 Appx. A, 1979].

17.08.390 Lot area.

“Lot area” means the total horizontal area included within lot lines. [Ord. 166 Appx. A, 1979].

17.08.400 Lot, corner.

“Corner lot” means a lot at the junction of and abutting on two or more intersecting streets where the angle of intersection is 130 degrees or less. [Ord. 166 Appx. A, 1979].

17.08.410 Lot frontage.

“Lot frontage” means the line separating a lot from the street, in the case of an interior lot, and the line separating the narrowest street frontage from the street in the case of a corner lot. [Ord. 166 Appx. A, 1979].

17.08.420 Lot, interior.

“Interior lot” means a lot other than a corner lot. [Ord. 166 Appx. A, 1979].

17.08.430 Lot lines.

“Lot lines” means the lines bounding a lot as defined in this chapter. [Ord. 166 Appx. A, 1979].

17.08.440 Lot line, rear.

“Rear lot line” means the boundary of a lot opposite and most nearly parallel to the front lot line. [Ord. 166 Appx. A, 1979].

17.08.450 Lot, nonconforming.

“Nonconforming lot” means any lot existing and recorded as a separate parcel in the office of the Ceounty Assessor at the effective date of the ordinance codified in this title which does not conform to the area or width requirements of the district in which it is located or does not conform to the subdivision regulations of the Ceity. [Ord. 166 Appx. A, 1979].

17.08.455 Manufactured home or housing.

“Manufactured home” or “Manufactured housing” means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following) consistent with Section 18007 of the California Health and Safety Code.

17.08.460 Mobilehome.

“Mobilehome” means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein consistent with Section 18008 of the California Health and Safety Code (CHSC). “Mobilehome” includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobilehomes in effect at the time of construction. “Mobilehome” does not include a commercial modular, as defined in CHSC Section 18001.8, factory-built housing, as defined in CHSC Section 19971, a manufactured home, as defined in CHSC Section 18007, a multifamily manufactured home, as defined in CHSC Section 18008.7, or a recreational vehicle, as defined in CHSC Section 18010. [Ord. 166 Appx. A, 1979].

17.08.470 Mobilehome park.

“Mobilehome park” means a lot on which two or more mobilehomes are located and used for sleeping, cooking and eating purposes. [Ord. 166 Appx. A, 1979].

17.08.480 Motel, inn.

“Motel, inn” means a building or group of buildings which is occupied or intended for occupancy by six or more unrelated individuals and to whom rooms are rented for sleeping purposes, with or without meals, and in addition is not used for the service of meals to persons not residing in the said building. [Ord. 166 Appx. A, 1979].

17.08.490 New.

“New” means any use established, building or structure constructed, development undertaken, or lot created after the effective date of the ordinance codified in this title. [Ord. 166 Appx. A, 1979].

17.08.500 Nonconforming.

“Nonconforming” means a structure and/or land use which was lawfully established but which does not now conform with the land use, yard, height, or other requirements and conditions of this chapter. [Ord. 166 Appx. A, 1979].

17.08.510 Off-street parking.

“Off-street parking” means a site, or portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives and landscaped areas. [Ord. 166 Appx. A, 1979].

17.08.520 Off-street loading.

“Off-street loading” means a site, or portion of a site, devoted to the loading or unloading of vehicles, including loading berths, aisles, access drives, and landscaped areas. [Ord. 166 Appx. A, 1979].

17.08.530 Ownership.

“Ownership” means ownership of property or possession thereof under a contract to purchase or under a lease, the term of which is not less than 10 years by a person or persons, firm, corporation, or partnership (individually, jointly, in common, or in any other manner), whereby such property is under single or unified control. The term shall include condominium ownership. The term “owner” shall be deemed to mean the person, firm, corporation, or partnership holding legal or equitable title or recorded contract of purchase of property, or any person authorized by written instrument to act for the owner. [Ord. 166 Appx. A, 1979].

17.08.535 ~~640~~ Parking lot, public.

“Public parking lot” means an open area, other than a street or alley, used for the parking or storage of vehicles, and available for public use, for compensation. [Ord. 166 Appx. A, 1979].

17.08.540 Person.

“Person” means any individual, public, or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties. [Ord. 166 Appx. A, 1979].

17.08.545 Planning Commission.

“Pplanning Ceommission” means the Pplanning Ceommission of the Ceity of Trinidad or a Hhearings Oofficer appointed by the Ceity Ceouncil if the Oofficer is acting in the Ceommission’s stead. [Ord. 166 § 2.01, 1979].

17.08.550 Public works project.

“Public works project” means any project by a public agency that is included in Section 30114 of the California Coastal Act of 1976 and any energy facility development within the meaning of Section 30197 of the California Coastal Act of 1976. [Ord. 166 Appx. A, 1979].

17.08.555 Reasonable aAccommodation.

“Reasonable accommodation” shall mean a modification in the application of land use or zoning regulations, policies, procedures, or practices when necessary to eliminate barriers to housing opportunities for a person with a disability to have an equal opportunity to access a dwelling, including public and common use spaces within a residential complex.

17.08.560 Recreation, commercial.

“Commercial recreation” means recreation facilities open to the general public for a fee, or restricted to members, when operated for profit as a business. [Ord. 166 Appx. A, 1979].

17.08.570 Recreational vehicle or RV.

“Recreational vehicle or RV” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other temporary occupancy that is less than 400 square feet in gross floor area meeting the definition of California Health and safety Code section 18010, including park trailers or park model RVs. [Ord. 166 Appx. A, 1979].

17.08.575 Residential care facility.

“Residential care facility” means any family home, group care facility, or similar facility as determined by the State Department of Social Services, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, consistent with Section 1502(a)(1) of the California Health and Safety Code. State-licensed residential care facilities for six or fewer persons, excluding the facility operator and staff, shall be considered a family use subject only to the same regulations as apply to other residential dwellings of the same type in the same zone.

17.08.580 Rest home.

“Rest home” means a structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to no more than six convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided. [Ord. 166 Appx. A, 1979].

17.08.590 Servants’ quarters.

“Servants’ quarters” means a dwelling unit, with a kitchen, accessory to a single-family dwelling occupied by an employee of the landowner who manages or otherwise cares for the owner’s premises. [Ord. 166 Appx. A, 1979].

17.08.600 Services, personal and professional.

“Personal and professional services” means beauty and barber shops; offices for doctors, dentists and others engaged in the human healing arts, provided no overnight care is given; offices for engineers, attorneys, architects, real estate sales, insurance, travel agencies, ambulance services, bail bonds, art and photography studios, and other such services which in the opinion of the Planning Commission are similar to the above, and do not involve the sale or repair of merchandise or equipment. [Ord. 166 Appx. A, 1979].

17.08.605~~14~~ Short Term Rental (STR).

“Short Term Rental” (STR) means a rental of any dwelling in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month-to-month tenancy granted to the same renter for the same dwelling, (3) one less than 30-day rental per year, or (4) a house-exchange for which there is no payment.

17.08.610 Sign.

“Sign” means any message, word, symbol, design, picture or visual medium which is intended to draw attention to a product, service, business, person, institution, or location and is placed or painted on the ground, or on any tree, wall, fence, rock, structure or thing whatsoever and placed thereon whether indoor or outdoor, so as to be visible from off premises, exclusive of legal notices, safety and directional signs posted by public agencies. [Ord. 166 Appx. A, 1979].

17.08.620 Sign, freestanding.

“Freestanding sign” means a sign which is supported by one or more uprights, poles, or braces in or upon the ground, and which is self-supporting in a fixed location and not attached to a building or structure. [Ord. 166 Appx. A, 1979].

17.08.630 Sign, off-premises.

“Off-premises sign” means a sign other than an on-site sign and includes signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business. [Ord. 166 Appx. A, 1979].

17.08.640 ~~Parking lot, public.~~

~~“Public parking lot” means an open area, other than a street or alley, used for the parking or storage of vehicles, and available for public use, for compensation. [Ord. 166 Appx. A, 1979].~~

17.08.650 Sign, on-premises.

“On-premises sign” means a sign relating in its subject matter to accommodations, services, commodities, or activities on the premises upon which it is located as distinguished from a sign which directs attention to or advertises an occupancy, accommodation, service, or activity supplied or originating on other premises. [Ord. 166 Appx. A, 1979].

17.08.6535 Single room occupancy units.

“Single room occupancy units” means one or more residential units for occupancy by no more than two persons consisting of a single habitable room with a minimum floor area of 150 square feet and a maximum area of 400 square feet within a residential facility providing sleeping and living quarters in which sanitary and kitchen facilities are provided either within the individual unit or shared within the facility. Kitchens, bathrooms, garage spaces, outbuildings and other components of any structure not designed for residential sleeping and living quarters shall not qualify as a single room occupancy unit.

17.08.660 Story.

“Story” means that portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, the space between the floor and the ceiling next above it. [Ord. 166 Appx. A, 1979].

17.08.670 Street.

“Street” means land owned and designated by the Ceity of Trinidad, Humboldt County, or the Sstate of California as a public thoroughfare and which affords the primary means of access to abutting property. [Ord. 166 Appx. A, 1979].

17.08.680 Structure.

“Structure” means anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. [Ord. 166 Appx. A, 1979].

17.08.690 Structure, accessory.

“Accessory structure” means a detached building or structure, other than a sign, the use of which is accessory to the use of the lot. [Ord. 166 Appx. A, 1979].

17.08.692 Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community consistent with Section 65582(g) of the California Government Code. Supportive housing is a residential use subject only to the same requirements as apply to other residential dwellings of the same type in the same zone.

17.08.695 Target population.

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (See Government Code §65582(i))

17.08.696 TMC.

“TMC” means the Trinidad Municipal Code.

17.08.697 Transitional housing.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance consistent with Section 65582(j) of the California Government Code. Transitional housing is a residential use subject only to the same requirements as apply to other residential dwellings of the same type in the same zone.

17.08.700 Use.

“Use” means the purpose for which either land or water or a structure thereon is designed, arranged, or intended, or for which it is, or may be, occupied or maintained. [Ord. 166 Appx. A, 1979].

17.08.710 Use, accessory.

“Accessory use” means a subordinate use which is customarily incidental to the primary use of the premises, and which does not alter or change the character of the premises. [Ord. 166 Appx. A, 1979].

17.08.720 Use, principal permitted.

“Principal permitted use” means the primary use of land or of a main building which use is intrinsically compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee, or other person who has legal right to use the land has a vested right to conduct such principal permitted use in accordance with the other zoning regulations without securing special permission therefor, subject only to design and environmental impact review procedures. [Ord. 166 Appx. A, 1979].

17.08.730 Yard.

“Yard” means an open space abutting a lot line unobstructed and unoccupied from the ground upward except for certain exceptions allowed herein. A yard shall be measured at right angles to the lot line and shall extend into the lot to the exterior wall of the building. [Ord. 166 Appx. A, 1979].

17.08.740 Yard, front.

“Front yard” means a yard extending the full width of the lot abutting the front lot line. [Ord. 166 Appx. A, 1979].

17.08.750 Yard, rear.

“Rear yard” means a yard extending the full width of the lot abutting the rear lot line. [Ord. 166 Appx. A, 1979].

17.08.760 Yard, side.

“Side yard” means a yard which extends from the front yard, or front lot line where no front yard exists, to the rear yard or rear lot line where no rear yard exists and abutting the side lot line. [Ord. 166 Appx. A, 1979].

17.08.770 Zone.

“Zone” means a portion of the territory of the Ceity within which certain uniform regulations and requirements or combinations thereof apply under the provisions of these regulations. [Ord. 166 Appx. A, 1979].

17.08.780 Zoning Administrator

“Zoning Administrator” shall mean a public official charged with administration, enforcement, and interpretation of the Trinidad zoning ordinance.

Chapter 17.12

ESTABLISHMENT AND DESIGNATION OF ZONES

Sections:

- 17.12.010 Use restrictions.
- 17.12.020 Principal and combining zones.
- 17.12.030 Location and boundaries of zones.
- 17.12.040 Zoning map.
- 17.12.050 Determination of boundaries.
- 17.12.060 Limitations on structures and lots.
- 17.12.070 Zoning of annexed property.

17.12.010 Use restrictions.

No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, water, building, structure or premises be used, designated, or intended to be used, for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such land, water, building or premises is located. [Ord. 166 § 3.01, 1979].

17.12.020 Principal and combining zones.

The several principal zones into which the Ceity may be divided shall be those included in Chapters 17.16 through 17.48 TMC. The several combining zones into which the Ceity may further be divided shall be those included in Chapter 17.52 TMC. [Ord. 166 § 3.02, 1979].

17.12.030 Location and boundaries of zones.

The designation, location and boundaries of the principal and combining zones shall be as delineated on the Zzoning Mmap of the Ceity. ~~The Said~~ map and all notations, references, data and other information shown thereon shall be a part of these regulations and subject thereto, and such map shall constitute TMC 17.12.040. [Ord. 166 § 3.03, 1979].

17.12.040 Zoning map.

This section consists of the Zzoning Mmap of the Ceity, which map may be amended in whole or in part in accordance with the amendment procedure set forth in Chapter 17.68 TMC. A copy of the Zzoning Mmap shall be kept on file in the office of the Ceity Celerk. [Ord. 166 § 3.04, 1979].

17.12.050 Determination of boundaries.

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

A. Streets or Alleys. Where the indicated zoning boundaries are approximately street or alley lines, the center lines of such streets or alleys shall be construed to be the boundaries.

B. Lot Lines. Where the indicated boundaries are approximately lot lines, the lot lines shall be construed to be the boundaries of ~~the said~~ zone.

C. Vacated Street or Alley. In the event a dedicated street or alley is vacated by ordinance, the property formerly in ~~the said~~ street or alley shall be included within the zone of the adjoining property on either side of the street or alley. In the event ~~the said~~ street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.

D. Where a boundary line is not determined by any of the above, the zoning boundary shall be determined by using the scale contained on the zoning map. If uncertainty still exists the boundary line shall be established by the Pplanning Ceommission after notifying all affected landowners and obtaining their comments. [Ord. 166 § 3.05, 1979].

17.12.060 Limitations on structures and lots.

No building or part thereof shall be erected nor shall any existing building be altered, enlarged or moved into any zone in any manner not in compliance with the minimum yards, maximum building height, maximum density and other regulations for the zone in which such building is located, nor shall any parcel of land be divided or the

boundaries thereof be adjusted in any manner not in compliance with the minimum lot area, minimum yards, maximum density and other regulations for the zone in which such lot is located, except as provided in Chapters 17.56 through 17.64 TMC. No yard or other space provided about any building for the purposes of complying with the provisions of these regulations shall be considered as providing a yard or open space for more than one building or lot unless specifically permitted elsewhere in these regulations. [Ord. 166 § 3.06, 1979].

17.12.070 Zoning of annexed property.

A. Any lands or waters which shall be annexed shall be automatically zoned the principal zone intended to apply to the land use classification applied to the annexed property in the Trinidad ~~G~~general ~~P~~plan; provided, that any portion of the annexed area with a land use classification of ~~S~~suburban ~~R~~residential shall be zoned ~~S~~suburban ~~R~~residential with a ~~S~~special ~~B~~building ~~S~~site of five acres subject to subsection (B) of this section.

B. The owner of any land, prior to filing a petition for annexation to the ~~C~~city, or in the event a proposed annexation shall be instituted by the ~~C~~city or other property owners, may file an application for rezoning by complying with the provisions, procedures and paying the fees set forth in Chapters 17.68 and 17.76 TMC for amendments to the ~~Z~~zoning ~~title~~Ordinance. The zoning established by the ~~C~~city shall be submitted to the California Coastal Commission for approval. The zoning approved by the ~~C~~city and the Coastal Commission shall become effective at the same time that the annexation becomes effective. Required fees may be waived by the ~~C~~city ~~C~~ouncil when the annexation is instituted by the ~~C~~city. [Ord. 166 § 3.07, 1979].

Chapter 17.16

OPEN SPACE OR OS ZONE

Sections:

- 17.16.010 Established – Purpose.
- 17.16.020 Principal permitted uses.
- 17.16.030 Uses permitted with a Use Permit.
- 17.16.040 Minimum lot area.
- 17.16.050 Maximum density.
- 17.16.060 Nondwelling structures.
- 17.16.070 Maximum building height.
- 17.16.080 Cultural resources.

17.16.010 Established – Purpose.

The Open Space (OS) zone is intended to be applied to areas designated Open Space in the Trinidad General Plan. The purpose of this zone is to maximize preservation of the natural and scenic character of these areas including protection of important wildlife habitat and cultural resources, and to ensure that the health and safety of the public is ensured through careful regulations of development in areas affected by geologic instability, steep slopes, tsunami and flood hazards. The following regulations in this chapter shall apply in all Open Space zones. [Ord. 166 § 4.02, 1979].

17.16.020 Principal permitted uses.

Principal permitted uses in the OS zone are:

- A. Public and private open space, wildlife habitat;
- B. Low-intensity recreation on publicly controlled lands and waters such as beachcombing, hiking, fishing;
- C. Pedestrian travel within public access easements consistent with the trail system identified in the General Plan;
- D. Removal of vegetation posing an imminent hazard to structures or people if approved by the City Engineer;
- E. Picnicking on public lands designated for such use. [Ord. 166 § 4.02(A), 1979].

17.16.030 Uses permitted with a Use Permit.

Uses permitted in the OS zone with a Use Permit are:

- A. Pedestrian trails, vista points, including improvements to existing facilities;
- B. Shoreline related recreation uses, including improvements to existing facilities;
- C. Removal of vegetation including timber;
- D. 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;
- E. Structures accessory to uses and buildings existing within the Open Space zone at the time the ordinance codified in this title is adopted;
- F. Wildlife habitat management and scientific research activities and related temporary structures. [Ord. 166 § 4.02(B), 1979].

17.16.040 Minimum lot area.

Division of a lot shall only be permitted for the purpose of a public agency acquiring the portion of a lot zoned Open Space; provided, that any portion of a lot remaining in private ownership shall be of an area not less than the minimum lot area requirement for the zone in which such a lot is located. [Ord. 166 § 4.02(C)(1), 1979].

17.16.050 Maximum density.

In the OS zone new dwellings are not permitted. [Ord. 166 § 4.02(C)(2), 1979].

17.16.060 Nondwelling structures.

A. Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the OS zone shall only be permitted on lands designated as “unstable” or of “questionable stability” on Plate 3 of the General Plan if analysis by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist, at the applicant’s expense, demonstrates to the satisfaction of the Planning Commission that construction of the development will not significantly increase erosion and slope instability. The geologist’s report shall include but not be limited to impacts from construction activities such as grading, drainage (from septic leach fields, on-site water use, increased runoff from impervious surfaces), roadways and vegetation disturbance.

B. In addition to satisfying the above requirements, structures proposed within the OS zone shall also satisfy the applicable requirements in TMC 17.20.060 through 17.20.130. [Ord. 97-3 § 1, 1997; Ord. 166 § 4.02(C)(3), 1979].

17.16.070 Maximum building height.

In the OS zone the maximum building height is 15 feet except that the ~~planning commission~~ Design Assistance Committee may require a lesser height if necessary to accomplish the purposes of TMC 17.16.060 and 17.16.080. [Ord. 2001-01 § 2, 2002; Ord. 166 § 4.02(C)(4), 1979].

17.16.080 Cultural resources.

Within the portion of the Tsurai Study Area zoned Open Space any soil disturbance, removal of vegetation, placement of temporary or permanent structures, or establishment of a use identified in TMC 17.16.020(A) shall require a Use Permit. Except for a fence to protect burial grounds, no soil disturbance, removal of vegetation, structural improvements or use shall be permitted unless it has been approved by the City Council, the State Historic Preservation Officer, the Trinidad Rancheria and the lineal descendants of Tsurai. [Ord. 166 § 4.02(C)(5), 1979].

Chapter 17.20

SPECIAL ENVIRONMENT OR SE ZONE

Sections:

- 17.20.010 Established – Purpose.
- 17.20.020 Principal permitted uses.
- 17.20.030 Uses permitted with a Use Permit.
- 17.20.040 Minimum lot area.
- 17.20.050 Maximum density.
- 17.20.060 Maximum building height.
- 17.20.070 Requirements in tsunami hazard area.
- 17.20.080 Requirements for structures on ocean bluffs.
- 17.20.090 Requirements for development on slopes near bluffs.
- 17.20.100 Requirements for development in stream protection areas.
- 17.20.110 Requirements in Tsurai study area.
- 17.20.120 Requirements for open space protection.
- 17.20.130 Determination of development feasibility.

17.20.010 Established – Purpose.

The Special Environment (SE) zone is intended to be applied to areas designated as Special Environment in the Trinidad General Plan. The purpose of this zone is to maximize preservation of the natural and scenic character of these areas through minimizing alteration of natural land forms and vegetation and limiting the extent of development in areas affected by geologic instability, steep slopes, tsunami and flood hazards on the basis of on-site investigations. It is intended that development not be visible from public viewpoints more than necessary and that it have a natural appearance. ~~This zone is also intended to provide necessary regulations for areas lying seaward of the mean high tide line.~~ The following regulations in this chapter shall apply in all Special Environment zones. [Ord. 168 § 1, 1980; Ord. 167 § 1, 1980; Ord. 166 § 4.03, 1979].

17.20.020 Principal permitted uses.

Principal permitted uses in the SE zone are:

- A. Public and private open space, wildlife habitat;
- B. Low-intensity recreation on publicly controlled lands and waters such as beachcombing, hiking, fishing;
- C. Removal of vegetation posing an imminent hazard to structures or people if approved by the City Engineer, and maintenance of existing private fire trails;
- D. Home occupations as provided in TMC 17.56.060;
- E. Picnicking on public lands designated for such use. [Ord. 166 § 4.03(A), 1979].

17.20.030 Uses permitted with a Use Permit.

Uses permitted in the SE zone with a Use Permit are:

- A. Pedestrian trails, vista points, including improvements to existing facilities; new fire trails, provided the trail width is the minimum necessary and the location minimizes visibility from public viewpoints;
- B. Single-family dwelling; provided, that all information required in TMC 17.20.040 through 17.20.130 is provided and the Planning Commission determines that a dwelling on the subject property is feasible and consistent with the purposes of the Special Environment zone;

~~C. Commercial fishing; mariculture; boat mooring, docking and related services; storage and processing of ocean produce; piers, breakwaters, harbor safety devices and structures, and uses incidental to a public boat harbor;~~

~~C~~D. Wildlife habitat management and scientific research activities and related temporary structures. [Ord. 168 § 1, 1980; Ord. 167 § 1, 1980; Ord. 166 § 4.03(B), 1979].

17.20.040 Minimum lot area.

20,000 sq. ft. provided that No new lots shall be created except as follows:

A. that land within the SE zone may be included in a new lot if the new lot is partially in another zone and any building site on the lot is located ~~partially or~~ entirely within the other zone, and.

B. a portion of a lot may be separated for the purpose of transferring ownership to a public agency or Ceity approved public trust to preserve the open space character of the property. [Ord. 167 § 3, 1980; Ord. 166 § 4.03(C)(1), 1979].

17.20.050 Maximum density.

Maximum density in the SE zone is one dwelling per lot. [Ord. 166 § 4.03(C)(2), 1979].

17.20.060 Maximum building height.

Maximum building height in the SE zone is 25 feet, except that the ~~planning commission~~ Design Assistance Committee may require a lesser height as provided in Chapter 17.60 TMC. [Ord. 2001-01 § 3, 2002; Ord. 166 § 4.03(C)(3), 1979].

17.20.070 Requirements in tsunami hazard area.

Except for harbor and public access facilities no new structures shall be located less than 20 feet above mean lower low water. When any development is proposed in the tsunami hazard area the developer shall obtain from the State Lands Commission a written determination that:

A. No state lands are involved in the development; or

B. State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or

C. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination. [Ord. 166 § 4.03(C)(4), 1979].

17.20.080 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 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. Shoreline protection structures shall be limited to structures which protect existing residences and business or commercial structures, vacant lots which through lack of protection threaten adjacent developed lots, public works, public beaches or coastal dependent uses. Structural protection measures may be permitted if nonstructural measures (i.e., building relocation or change in design) are infeasible from an engineering or economic standpoint. The protection structure shall be designed to meet adequate engineering standards based on the geologic hazards review or other detailed technical information. The Ceity shall require the design of the structures to be reviewed and approved by the Ceity Engineer, and that the applicant shall be responsible for liability, maintenance and repair of the structure. The protection structure shall not:

1. Reduce or restrict public beach access; or
2. Adversely affect shoreline processes and sand supply; or
3. Increase erosion on adjacent properties; or
4. Cause harmful impacts on wildlife and fish habitats.

The protection structure shall be placed as close as possible to the development requiring protection and shall be designed to minimize visual intrusion. [Ord. 84-180 § 7, 1984; Ord. 166 § 4.03(C)(5), 1979].

17.20.090 Requirements for development on slopes near bluffs.

A. No building shall be located closer than 30 feet from any point on the bluff edge; provided, that a bluff setback in excess of 30 feet may be required by the Planning Commission following evaluation of geologic and soil reports.

B. Grading and excavation shall be the minimum necessary to complete the proposed development consistent with the following requirements:

1. The building site shall be graded to direct surface water away from the top of the bluff, or alternatively, drainage shall be handled in a manner satisfactory to the City which will prevent damage to the bluff by surface and percolating water;

2. No excavation, grading or deposition of natural materials shall be permitted on the beach or the face of the bluff.

C. No development shall be allowed on the portions of a lot with a slope of 20 percent or greater if such development would require:

1. An access road which requires cuts or fills in an area of slope greater than 20 percent;

2. A side slope road in areas of slope greater than 20 percent. The construction of slab~~ueh~~ foundations shall not be allowed on slopes of 15 percent or more.

D. The construction site including access to the building site shall be defined in the Use Permit and staked on the construction site. Removal of vegetation, compaction of soil and grading shall be minimized. No earth movement, stockpiling, traffic, or clearing is allowed outside of the construction site boundary. Excavated materials and construction materials shall be stored within the perimeter of the construction site boundary or be removed.

E. There shall be no excavation on the site before the Planning Commission has approved the location for the staking of the drives, parking sites, building sites and other areas to be graded and filled. Underground utilities shall be confined to a single utility corridor whenever possible to minimize the area of disturbance.

F. Access roads and parking areas shall be constructed prior to any stockpiling of building materials or building construction. All subsequent vehicle travel on the site shall be limited to these areas except for completion of approved earthwork. Stockpiling of building materials shall also be confined to these surfaced areas.

G. Vegetation which is not to be disturbed shall be protected from mechanical damage and undesirable changes in water table, subsurface aeration, surface or subsurface drainage, or other adverse environmental conditions.

H. The siting of dwellings and appurtenant uses (including garden, lawn, orchard and outdoor storage areas) shall minimize the removal of vegetation, minimize alteration of natural landforms and adverse impacts on the scenic qualities of the area including minimizing the degree of visibility from beaches, shorelines, stream corridors, and other public viewpoints. [Ord. 166 § 4.03(C)(6), 1979].

17.20.100 Requirements for development in Sstream Protection Areas.

A. Soils and vegetation shall not be disturbed and no structures, septic tank systems, driveways, and trails shall be permitted within 100 feet of any perennial stream; provided, that if it can be demonstrated that no use of an existing parcel for a dwelling can be achieved without the location of necessary structures, driveways or trails within 100 feet of the stream such facilities may be allowed, subject to the following conditions:

1. Soils and vegetation disturbance be minimized and any exposed soils be replanted with appropriate vegetation prior to the rainy season;

2. Any improvements not be damaged by a 100-year flood or degrade water quality;

3. The dwelling not be located within the 100-year floodplain.

B. No materials shall be placed within the 100-year floodplain of any perennial stream or in any other location from which it would be susceptible to erosion and/or deposition into ~~the said~~ waters.

C. Pollutants such as chemicals, fuels, lubricants, raw sewage, and other harmful waste generated during construction shall not be discharged into or alongside streams or into natural or manmade channels leading thereto.

D. Structures shall allow peak surface water flows from a 100-year flood to pass with no significant impediment. All foundations for structures within the 100-year flood area shall consist of pier or single span design. No structure shall interrupt the flow of ground-waters. [Ord. 166 § 4.03(C)(7), 1979].

17.20.110 Requirements in Tsurai ~~S~~study ~~A~~area.

Within the Tsurai ~~S~~study ~~A~~area as defined in the Trinidad ~~G~~general ~~P~~plan, development shall be sited and designed and reasonable mitigation measures shall be required to minimize adverse impacts on this cultural resource. The State Historic Preservation Officer shall be afforded the opportunity to identify the archeological and paleontological resources within the Tsurai ~~S~~study ~~A~~area and to suggest mitigation measures prior to approval of any development in the ~~S~~study ~~A~~area. [Ord. 166 § 4.03(C)(8), 1979].

17.20.120 Requirements for open space protection.

The natural character of all portions of a lot not within the designated construction site or the area identified for appurtenant uses shall be retained in its natural condition by means of an open space easement recorded prior to the commencement of construction of the development. The easement shall be between the land owner and the ~~C~~eity or a ~~C~~eity approved public trust. To the extent possible the easement should include all significant natural land forms such as bluffs and stream corridors, riparian vegetation and other vegetation required for wildlife habitat, major vegetation (trees over 18 inches ~~DBH~~~~dbh~~), landmarks and rare or endangered vegetation, and public trails and accessways where appropriate. The easement shall grant to the public the right to pass and repass over the beach areas generally parallel to the mark of the mean high tide and wide enough to include all beach areas seaward of the first line of terrestrial vegetation and to provide a continuous trail, unobstructed by high tides, around any physical obstacles. [Ord. 167 § 4, 1980; Ord. 166 § 4.03(C)(9), 1979].

17.20.130 Determination of development feasibility.

A. A report by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist shall be provided at the applicant's expense as part of an application for a permanent structure, septic disposal system, driveway, parking area, or other use permitted in the SE zone within the unstable and questionable stability areas shown on Plate 3 of the ~~G~~general ~~P~~plan. Before the ~~P~~lanning ~~C~~ommission approves a development, it shall determine that the proposed development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible.

B. The report shall be based on an on-site inspection in addition to a review of the general character of the area using a currently acceptable engineering stability analysis method. The report shall take into consideration all potential impacts, including but not limited to impacts from construction activities such as grading, drainage (from septic leach fields, on-site water use, increased runoff from impervious surfaces), roadways, and vegetation disturbance.

C. The report shall contain a professional opinion stating the following:

1. The area covered in the report is sufficient to demonstrate the geotechnical hazards of the site consistent with the geologic, seismic, hydrologic and soil conditions at the site;
2. The extent of potential damage that might be incurred by the development during all foreseeable normal and unusual conditions, including ground saturation and shaking caused by the maximum credible earthquake;
3. The effect the project could have on the stability of the bluff;
4. How the project can be designed or located so that it will neither be subject to nor contribute to significant geologic instability through the lifespan of the project;
5. A description of the degree of uncertainty of analytical results due to assumptions and unknowns. [Ord. 97-3 § 1, 1997; Ord. 166 § 4.03(C)(10), 1979].

Chapter 17.24

RESOURCE PRODUCTION OR RP ZONE

Sections:

- 17.24.010 Established – Purpose.
- 17.24.020 Principal permitted uses.
- 17.24.030 Uses permitted with a Use Permit.
- 17.24.040 Minimum lot area.
- 17.24.050 Maximum density.
- 17.24.060 Minimum yards.
- 17.24.070 Maximum building height.
- 17.24.080 Vegetation removal.

17.24.010 Established – Purpose.

The Resource Production zone is intended to be applied in all areas designated as Resource Production in the Trinidad General Plan. This zone is intended to preserve and protect prime agricultural and forest lands for continued resource production, harvesting and related uses. It also preserves and protects geologically unstable areas, stream water quality and riparian habitat associated with agricultural and forest lands in resource production areas. It also provides for incidental private recreational uses. Division of land or new uses that could increase fire and water pollution hazards or allow conflicts with recognized agricultural and forest practices are not intended. The following regulations in this chapter shall apply in all Resource Production zones. [Ord. 166 § 4.04, 1979].

17.24.020 Principal permitted uses.

Principal permitted uses in the RP zone are:

- A. Timber production;
- B. Harvesting of trees, provided they are not closer than 100 feet to any perennial stream and are not within a public watershed;
- C. Thinning and removal of immature trees;
- D. Agriculture, including farming and grazing, except for feed lots and dairy processing;
- E. Wildlife habitat management and scientific research activities;
- F. Home occupations as provided in TMC 17.56.060. [Ord. 166 § 4.04(A), 1979].

17.24.030 Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the RP zone are:

- A. Single-family dwelling for use by an on-site manager;
- B. Tree harvesting or vegetation removal within 100 feet of a perennial stream or within a public watershed as provided in TMC 17.24.020(B);
- C. Rock quarrying and similar extraction;
- D. Animal feed lots; dairy processing. [Ord. 166 § 4.04(B), 1979].

17.24.040 Minimum lot area.

Minimum lot area for new lots in the RP zone is 20 acres. [Ord. 166 § 4.04(C)(1), 1979].

17.24.050 Maximum density.

Maximum density in the RP zone is one dwelling unit per 20 acres. [Ord. 166 § 4.04(C)(2), 1979].

17.24.060 Minimum yards.

Minimum yards in the RP zone are, for front, rear and side, 30 feet. [Ord. 166 § 4.04(C)(3), 1979].

17.24.070 Maximum building height.

Maximum building height in the RP zone is 25 feet; provided, that greater height may be permitted, subject to obtaining a Use Permit. [Ord. 166 § 4.04(C)(4), 1979].

17.24.080 Vegetation removal.

Removal of vegetation within 100 feet of a perennial stream or within a public watershed may be permitted, provided a competent professional reviews the proposal and the Planning Commission determines that the proposal will not cause significant erosion, slippage, water quality degradation or habitat destruction. [Ord. 166 § 4.04(C)(5), 1979].

Chapter 17.28

SUBURBAN RESIDENTIAL OR SR ZONE

Sections:

- 17.28.010 Established – Purpose.
- 17.28.020 Principal permitted uses.
- 17.28.030 Uses permitted with a Use Permit.
- 17.28.040 Minimum lot area.
- 17.28.050 Maximum density.
- 17.28.060 Minimum yards.
- 17.28.070 Maximum building height.
- 17.28.080 Vegetation removal.
- 17.28.090 Required geologic study.

17.28.010 Established – Purpose.

The Suburban Residential zone is intended to be applied in areas designated as Suburban Residential in the Trinidad General Plan. It provides for single-family residential development at low densities suited to the physical capacity of the land and consistent with the density of nearby development. Public water systems are available or will be available in the near future. A second dwelling on a lot may be appropriate if the development design is consistent with neighborhood character and the lot has sufficient area to meet the density requirements for each dwelling. When combined with larger building site requirements, this zone may be suited to areas designated rural residential in the General Plan. The following regulations in this chapter shall apply in all Suburban Residential or SR zones. [Ord. 166 § 4.05, 1979].

17.28.020 Principal permitted uses.

Principal permitted uses in the SR zone are:

- A. Single-family dwelling, subject to the requirements of TMC 17.28.090;
- B. Transitional housing, supportive housing, and employee housing in a single-family dwelling;
- C. Residential care facilities for six or fewer persons in a single-family dwelling;
- D. Keeping of no more than four household pets on each lot;
- E. Placement of one recreational vehicle on a vacant lot for use as a seasonal residence for not more than six months in any 12-month period; provided, that if occupied for more than one month in any 12-month period, a water supply and wastewater disposal system shall be provided;
- F. Home occupations as provided in TMC 17.56.060. [Ord. 166 § 4.05(A), 1979].

17.28.030 Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the SR zone are:

- A. Agriculture, including farming, grazing and plant nursery;
- B. A second dwelling unit, which may be in a duplex, or guesthouse, or servants' quarters;
- C. Removal of trees more than 12 inches DBH~~dbh~~, except as provided in this chapter. [Ord. 167 § 5, 1980; Ord. 166 § 4.05(B), 1979].

17.28.040 Minimum lot area.

When a septic tank is to be the means of wastewater disposal, new lots shall include sufficient area to accommodate required yards, the intended use, and primary and reserve septic leach fields as determined from requirements in the wastewater disposal regulations adopted by the Ceity. In no case shall a lot be less than 20,000 square feet in area. [Ord. 166 § 4.05(C)(1), 1979].

17.28.050 Maximum density.

Maximum density in the SR zone is 20,000 square feet of lot area per dwelling, guesthouse, or servants' quarters. [Ord. 166 § 4.05(C)(2), 1979].

17.28.060 Minimum yards.

Minimum yards in the SR zone are:

A. Front, 30 feet;

B. Rear, 20 feet;

C. Side, 10 feet. [Ord. 166 § 4.05(C)(3), 1979].

17.28.070 Maximum building height.

Maximum building height in the SR zone is 25 feet, except that the ~~planning commission~~ Design Assistance Committee may require a lesser height as provided in Chapter 17.60 TMC. [Ord. 2001-01 § 4, 2002; Ord. 166 § 4.05(C)(4), 1979].

17.28.080 Vegetation removal.

Trees may be removed if they are ~~diseased/deceased~~ or pose an imminent danger to people or structures, subject to the approval of the ~~C~~city ~~E~~ngineer. Vegetation shall not be removed from a proposed building site until the site is approved by the ~~B~~uilding ~~I~~nspector. The ~~B~~uilding ~~I~~nspector shall approve the proposed site only if it involves removal of the fewest number of trees over 12 inches ~~DBH/dbh~~. The minimum number of trees and shrubs over eight feet in height may be removed for the purpose of improving private or public views, subject to the approval of the ~~D~~esign ~~A~~ssistance ~~C~~ommittee. [Ord. 166 § 4.05(C)(5), 1979].

17.28.090 Required geologic study.

Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the SR zone shall only be permitted on lands designated as unstable or of questionable stability on Plate 3 of the ~~G~~eneral ~~P~~lan if analysis by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist, at the applicant's expense, demonstrates to the satisfaction of the ~~P~~lanning ~~C~~ommission that construction of the development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible. The geologist's report shall conform to the requirements of TMC 17.20.130. [Ord. 97-3 § 1, 1997; Ord. 166 § 4.05(C)(6), 1979].

Chapter 17.32

URBAN RESIDENTIAL OR UR ZONE

Sections:

- 17.32.010 Established – Purpose.
- 17.32.020 Principal permitted uses.
- 17.32.030 Uses permitted with a Use ~~P~~ermit.
- 17.32.040 Minimum lot area.
- 17.32.050 Maximum density.
- 17.32.060 Minimum yards.
- 17.32.070 Maximum building height.
- 17.32.080 Vegetation removal.
- 17.32.090 Required geologic study.

17.32.010 Established – Purpose.

The Urb~~u~~an Residential zone is intended to be applied in areas designated as Urb~~u~~an Residential in the General Plan. These areas are served by public water systems. This zone allows the highest density of residential use, taking into consideration neighborhood characteristics and soil capacity for wastewater leaching. The following regulations in this chapter shall apply in all Urb~~u~~an Residential zones. [Ord. 166 § 4.06, 1979].

17.32.020 Principal permitted uses.

Principal permitted uses in the UR zone are:

- A. Single-family dwelling, subject to the requirements of TMC 17.32.090;
- B. Transitional housing, supportive housing, and employee housing in a single-family dwelling;
- C. Residential care facilities, limited to six or fewer persons in a single-family dwelling;
- D. Home occupation, as provided in TMC 17.56.060. [Ord. 166 § 4.06(A), 1979].

17.32.030 Uses permitted with a Use ~~P~~ermit.

Uses permitted with a Use ~~P~~ermit in the UR zone include:

- A. Guesthouse; servants' quarters;
- B. Residential care facilities for seven or more persons in a single-family dwelling;
- C. Removal of trees more than 12 inches DBH~~dbh~~. [Ord. 167 § 6, 1980; Ord. 166 § 4.06(B), 1979].

17.32.040 Minimum lot area.

When a septic tank is to be the means of wastewater disposal, new lots shall include sufficient area to accommodate required yards, the intended use, and primary and reserve septic leach fields as determined from requirements in the wastewater disposal regulations adopted by the Ceity. In no case shall a lot be less than 8,000 square feet in area. [Ord. 166 § 4.06(C)(1), 1979].

17.32.050 Maximum density.

Maximum density in the UR zone is 8,000 square feet of lot area per dwelling, guesthouse or servants' quarters. [Ord. 166 § 4.06(C)(2), 1979].

17.32.060 Minimum yards.

Unless modified by the ~~planning commission~~ Design Assistance Committee as provided in Chapter 17.60 TMC, minimum yards in the UR zone are:

- A. Front, 20 feet;
- B. Rear, 15 feet;

C. Side, five feet. [Ord. 2001-01 § 5, 2002; Ord. 166 § 4.06(C)(3), 1979].

17.32.070 Maximum building height.

Maximum building height in the UR zone is 25 feet, except that the ~~planning commission~~ Design Assistance Committee may require a lesser height as provided in Chapter 17.60 TMC. [Ord. 2001-01 § 5, 2002; Ord. 166 § 4.06(C)(4), 1979].

17.32.080 Vegetation removal.

Trees may be removed if they are diseased or pose an imminent danger to people or structures, subject to the approval of the ~~C~~eity ~~E~~ngineer. Vegetation shall not be removed from a proposed building site until the site is approved by the ~~B~~uilding ~~I~~nspector. The ~~B~~uilding ~~I~~nspector shall approve the proposed site only if it involves removal of the least number of trees over 12 inches ~~DBH~~~~dbh~~. The minimum number of trees and shrubs over eight feet in height may be removed for the purpose of improving private or public views subject to the approval of the ~~D~~esign ~~A~~ssistance ~~C~~ommittee. [Ord. 166 § 4.06(C)(5), 1979].

17.32.090 Required geologic study.

Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the ~~U~~SR zone shall only be permitted on lands designated as “unstable” or of “questionable stability” on Plate 3 of the ~~G~~eneral ~~P~~lan if analysis by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist, at the applicant’s expense, demonstrates to the satisfaction of the ~~P~~lanning ~~C~~ommission that construction of the development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible. The geologist’s report shall conform to the requirements of TMC 17.20.130. [Ord. 97-3 § 1, 1997; Ord. 166 § 4.06(C)(6), 1979].

Chapter 17.36

PLANNED DEVELOPMENT OR PD ZONE

Sections:

- 17.36.010 Established – Purpose.
- 17.36.020 Uses permitted with a Use Permit.
- 17.36.030 Minimum lot area.
- 17.36.040 Maximum density.
- 17.36.050 Minimum yards.
- 17.36.060 Maximum building height.
- 17.36.070 Open space.
- 17.36.080 Application procedure.

17.36.010 Established – Purpose.

The Planned Development (~~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. The following regulations in this chapter shall apply in all Planned Development zones. [Ord. 166 § 4.07, 1979].

17.36.020 Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the PD zone are:

- A. Single-family dwelling, duplex, condominiums and townhouses with not more than four dwellings in a building; groups of permitted dwelling types;
- B. Transitional housing, supportive housing and employee housing in a dwelling unit;
- C. Residential care facilities in a dwelling unit;
- D. Single room occupancy units;
- E. Motels, inns, gift shops, restaurants (not drive-in), personal services, professional offices, retail sales and visitor services;
- F. Home occupations as provided in TMC 17.56.060;
- G. Rest homes, day care centers, emergency shelters with onsite management and not more than 10 beds;
- H. A combined residence with a business use allowed by this section, other than a motel, where the business is not a home occupation as described by this title. [Ord. 87-190 § 1 (Exh. A), 1987; Ord. 168 § 3, 1980; Ord. 167 § 7, 1980; Ord. 166 § 4.07(A), 1979].

17.36.030 Minimum lot area.

For planned developments with five or more dwelling or commercial units, 2,500 square feet per dwelling lot; none for commercial units; provided, that the ground floor area of the unit shall not exceed 100 percent of the lot area, except ground floor area shall not exceed 75 percent of the area of a corner lot. Lots shall be not less than 30 feet in width, except that corner lots shall not be less than 42 feet in width. For planned development with less than five dwelling or commercial units, 8,000 square feet. [Ord. 166 § 4.07(B)(1), 1979].

17.36.040 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 percent slope. If septic tanks are

the intended means of wastewater disposal, density shall be based on soil suitability and the requirements of the Ceity's wastewater disposal regulations. [Ord. 166 § 4.07(B)(2), 1979].

17.36.050 Minimum yards.

Minimum yard requirements in the PD zone are as follows: where 8,000 square feet minimum lot area applies, same as UR zone; where 2,500 square feet 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. The minimum yard between buildings shall be equal to the height of the higher building. [Ord. 166 § 4.07(B)(3), 1979].

17.36.060 Maximum building height.

Maximum building height is 25 feet, except that the planning-commission Design Assistance Committee may require a lesser height as provided in Chapter 17.60 TMC. [Ord. 2001-01 § 6, 2002; Ord. 166 § 4.07(B)(4), 1979].

17.36.070 Open space.

Twenty-five percent of the project site shall be common open space when dwellings are included. In addition, 800 square feet of common usable open space shall be provided per dwelling unit. The developer shall landscape and provide suitable recreational facilities within the usable open space areas and establish a homeowners' association or other means of providing for the perpetual maintenance of both usable and unusable common open space. Private open space, consisting of balconies or fenced area, shall be provided adjacent to each dwelling unit, and the area of such private open space shall be at least 10 percent of the gross floor area of the dwelling unit. [Ord. 166 § 4.07(B)(5), 1979].

17.36.080 Application procedure.

The applicant shall submit three copies of the following information to the Ceity Celerk:

A. A map to scale showing:

1. Division of the land for the sale of individual lots, if any;
2. Existing contours at intervals of not less than five feet and location of trees and other significant natural features;
3. Proposed automobile and pedestrian accessways;
4. Areas proposed to be reserved for common open space;
5. Location of commercial uses, dwellings, related off-street parking and any other proposed uses with dimensions showing building size, setbacks and yard areas;
6. Proposed landscaping, fencing and screening;
7. Provision for drainage of surface waters;

B. A tabulation of total number of acres and percent thereof designated for various uses, the number of dwelling units proposed by type, and the estimated population by type of dwelling;

C. A statement setting forth a program for installation and maintenance of parking areas, lighting, courts, public and private grounds, landscaping, streets, utilities, community buildings and common open space including copies of legal documents;

D. Building elevations to scale, and a statement of design principles for structures and streetscapes;

E. Such additional information as may be required by the Pplanning Ceommission;

F. An initial environmental study which satisfies the requirement of the California Environmental Quality Act and Ceity regulations adopted pursuant thereto.

Within 30 days of submittal, the applicant, interested staff and the Pplanning Ceommission shall meet to discuss the proposed development. A letter shall be transmitted by the Ceity Celerk within five working days after the meeting to the applicant indicating whether or not the proposal conforms with the Ggeneral Pplan, Zzoning and Ssubdivision

~~titles-Ordinances~~ and other applicable Ceity regulations. If the applicant wishes to proceed, a Use Ppermit application shall be submitted to the Ceity Clerk. The application shall include seven copies of the information required above and a legal description of the property. If, after following the procedures in Chapters 17.60 through 17.68 TMC regarding consideration of Use Ppermit applications, the Planning Commission approves, or approves subject to conditions, the plan and any conditions shall be forwarded to the Ceity eCouncil for consideration and the Use Ppermit shall not become effective until 10 days following approval by the Ceity Council. Unless changes are approved by the Ceity Council after receiving a recommendation from the Planning Commission, all aspects of the planned development shall conform to the approved development plan, which shall be made a part of the Use Ppermit. Use Ppermits may specify a development completion period of not more than three years at which time the Use Ppermit shall expire unless the applicant obtains the one-year extension. [Ord. 166 § 4.07(B)(6), 1979].

Chapter 17.40

VISITOR SERVICES OR VS ZONE

Sections:

- 17.40.010 Established – Purpose.
- 17.40.020 Principal permitted uses.
- 17.40.030 Uses permitted with a Use Permit.
- 17.40.040 Minimum lot area.
- 17.40.050 Maximum density.
- 17.40.060 Minimum yards.
- 17.40.070 Maximum building height.
- 17.40.080 Vegetation removal.

17.40.010 Established – Purpose.

The Visitor Services zone is intended to be applied in areas designated as Visitor Services in the Trinidad General Plan. It is intended to provide areas for camping, recreational vehicle parks, motels, restaurants, lounges and similar visitor services and accommodations. Visitor services and accommodations should have direct access to a primary collector street. Development should not create conflicts with nearby residential areas and should be located near convenience shopping facilities and/or recreation destinations. The following regulations in this chapter shall apply in all Visitor Services zones. [Ord. 166 § 4.08, 1979].

17.40.020 Principal permitted uses.

Principal permitted uses in the VS zone are:

- A. Restaurant (except drive-in), gift shop;
- B. Motel, inn;
- C. Home occupations as provided in TMC 17.56.060. [Ord. 166 § 4.08(A), 1979].

17.40.030 Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the VS zone are:

- A. Drive-in restaurant, lounge;
- B. Campground, recreational vehicle park;
- C. Grocery, laundromat or similar visitor convenience appurtenant to a visitor accommodation;
- D. Single-family dwelling for the manager of another on-site permitted use; [Ord. 166 § 4.08(B), 1979].

17.40.040 Minimum lot area.

Minimum lot area for new lots in the VS zone is 8,000 square feet. [Ord. 166 § 4.08(C)(1), 1979].

17.40.050 Maximum density.

Maximum density in the VS zone is: one campsite, RV space, or motel unit per 2,500 square feet of lot area; 8,000 square feet per dwelling unit. [Ord. 166 § 4.08(C)(2), 1979].

17.40.060 Minimum yards.

Minimum yards in the VS zone are, for front, rear and side yards, 10 feet. [Ord. 166 § 4.08(C)(3), 1979].

17.40.070 Maximum building height.

Maximum building height in the VS zone is 25 feet. [Ord. 166 § 4.08(C)(4), 1979].

17.40.080 Vegetation removal.

Unless diseased, or posing an imminent danger to people or structures, trees should be retained wherever feasible in visitor accommodations. [Ord. 166 § 4.08(C)(5), 1979].

Chapter 17.44

COMMERCIAL OR C ZONE

Sections:

- 17.44.010 Established – Intent.
- 17.44.020 Principal permitted uses.
- 17.44.030 Uses permitted with a Use Permit.
- 17.44.040 Minimum lot area.
- 17.44.050 Maximum density.
- 17.44.060 Minimum yards.
- 17.44.070 Maximum building height.

17.44.010 Established – Intent.

The Commercial zone is intended to be applied to areas designated Commercial in the General Plan. It provides for the commercial services that meet the convenience and retail needs of the residents and visitors. Uses serving the commercial fishing industry are also appropriate. The following regulations in this chapter shall apply in all Commercial zones. [Ord. 166 § 4.09, 1979].

17.44.020 Principal permitted uses.

Principal permitted uses in the C zone are:

- A. Professional and business offices;
- B. Social halls, fraternal and social organizations and clubs;
- C. Emergency shelters with onsite management and not more than 10 beds;
- D. Retail stores, agencies and services of a light commercial nature conducted entirely within an enclosed building such as antique shops, art galleries, retail bakeries, banks, barbershops, beauty salons, book stores, clothing and apparel stores, coin operated dry cleaning and laundry establishments, drugstores, florist shops, food markets, furniture stores, hardware and appliance stores, radio and television sales and service, restaurants and appurtenant licensed premises, service stations, studios, tailor shops, enclosed theaters, variety stores, plant nurseries, smokehouses and related sales, secondhand sales appurtenant to another permitted use. [Ord. 166 § 4.09(A), 1979].

17.44.030 Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the C zone are:

- A. Motels; single-family dwellings associated with a commercial use;
- B. Major auto repair, new and used auto, RV and boat sales, licensed premises not appurtenant to any restaurant, secondhand sales, storage warehouses, small animal hospital within a building, cabinet shops, contractor yards, handicraft manufacture, lumber yards, metal working shops, printing, wholesaling, commercial recreational facilities, piers, manufacture, repair and storage of fishing equipment, storage and processing of ocean produce. [Ord. 166 § 4.09(B), 1979].

17.44.040 Minimum lot area.

Minimum lot area in the C zone is 8,000 square feet. [Ord. 166 § 4.09(C)(1), 1979].

17.44.050 Maximum density.

Maximum density in the C zone is one motel unit per 2,500 square feet of lot area; 8,000 square feet of lot area per dwelling unit. [Ord. 166 § 4.09(C)(2), 1979].

17.44.060 Minimum yards.

Minimum yards in the C zone are front, 20 feet; rear and side, none, except five feet when adjacent to any other zone. [Ord. 166 § 4.09(C)(3), 1979].

17.44.070 Maximum building height.

Maximum building height in the C zone is 25 feet; provided, that greater height may be permitted subject to obtaining a Use ~~P~~ermit. [Ord. 166 § 4.09(C)(4), 1979].

Chapter 17.48

PUBLIC AND RELIGIOUS OR PR ZONE

Sections:

- 17.48.010 Established – Purpose.
- 17.48.020 Principal permitted uses.
- 17.48.030 Minimum lot area.
- 17.48.040 Minimum yards.
- 17.48.050 Maximum building height.
- 17.48.060 Design Rreview.

17.48.010 Established – Purpose.

The Public and Religious zone is intended to be applied to areas designated as Public and Religious in the Trinidad General Plan. All publicly owned lands, exclusive of those maintained primarily as open space, and all lands owned by religious organizations and used for religious worship and related activities are included. Public agency ownerships include schools, public parking areas, utility substations, fire stations, public buildings and cemeteries. Any public and religious facility should be compatible with nearby uses and be located on streets which offer convenient access. The following regulations in this chapter shall apply in all Public and Religious zones. [Ord. 166 § 4.10, 1979].

17.48.020 Principal permitted uses.

Principal permitted uses in the PR zone are:

- A. Churches and appurtenant facilities;
- B. Fraternal and social organizations;
- C. Public parks, playgrounds, recreation centers, community gardens;
- D. Public and private schools, police and fire stations, public service and administrative offices, cultural facilities including museums, libraries, auditoriums, public rest rooms;
- E. Utility substations, corporation yards, reservoirs, storage tanks, radio and TV transmission facilities, caretaker residences. [Ord. 166 § 4.10(A), 1979].

17.48.030 Minimum lot area.

Minimum lot area in the PR zone is the area needed to accommodate the intended use, yard requirements, and any wastewater disposal facilities. [Ord. 166 § 4.10(B)(1), 1979].

17.48.040 Minimum yards.

Minimum yards in the PR zone are front, 20 feet; rear and side yards, five feet, except none when adjacent to PR or C zones. [Ord. 166 § 4.10(B)(2), 1979].

17.48.050 Maximum building height.

Maximum building height in the PR zone is 25 feet, except that greater height may be permitted subject to obtaining a Use Permit. [Ord. 166 § 4.10(B)(3), 1979].

17.48.060 Design Rreview.

Expansion of existing uses and buildings and any new uses or buildings shall be subject to the Design Rreview requirements of Chapter 17.60 TMC. [Ord. 166 § 4.10(B)(4), 1979].

Chapter 17.52

COMBINING ZONES-~~AND MH ZONE~~

Sections:

- 17.52.010 General provisions.
- 17.52.020 Special ~~B~~building ~~S~~site combining or B zone.
- 17.52.030 Minimum yards.
- 17.52.040 Mobilehome combining or MH zone.

17.52.010 General provisions.

The regulations set forth in this chapter for each of the combining zones shall modify the regulations for the principal zones with which they are combined. All uses and regulations of the principal zone shall apply in the combined zone, except insofar as they are modified or augmented by the uses and regulations set forth in the combining zone regulations. [Ord. 166 § 5.01, 1979].

17.52.020 Special ~~B~~building ~~S~~site combining or B zone.

The ~~S~~special ~~B~~building ~~S~~site combining or B zone is intended to be combined with the SR ~~S~~uburban ~~R~~esidential zone in order to conform new lots and development to the character of surrounding development and to ensure that lot sizes are generally large enough to accommodate the intended use and have adequate area for primary and reserve septic tank leach fields. The following regulations shall apply in the SR zone when it is combined with the special building site combining zone in lieu of the lot area and yard requirements normally applicable in such principal zone:

Combining Designation	Minimum Building Site Area
B-1	1 acre
B-2	2 acres
B-5	5 acres

[Ord. 166 § 5.02, 1979].

17.52.030 Minimum yards.

Minimum yards in combining zones are front and rear, same as SR zone; side yards, 20 feet. [Ord. 166 § 5.02, 1979].

17.52.040 Mobilehome combining or MH zone.

This zone may be combined with the SR ~~S~~uburban ~~R~~esidential zone in a contiguous area of five or more lots intended for the exclusive use of mobilehome residences. The following regulations shall apply in the SR zone when it is combined with the MH combining zone:

A single mobilehome on a lot, provided the mobilehome complies with the state mobilehome construction standards; and the mobilehome shall be placed on a perimeter concrete foundation consistent with building code requirements and shall satisfy any other requirements pertinent to designation of the mobilehome as real property subject to payment of property taxes. [Ord. 166 § 5.03, 1979].

Chapter 17.53

VACATION DWELLING UNITS

Sections:

- ~~17.53.010 — Short title.~~
- ~~17.53.020 — Definitions.~~
- ~~17.53.030 — Purpose.~~
- ~~17.53.040 — Requirements.~~
- ~~17.53.050 — Appearance and visibility.~~
- ~~17.53.060 — Effect on existing vacation dwelling units.~~
- ~~17.53.070 — Location.~~
- ~~17.53.080 — Noise.~~
- ~~17.53.090 — Non permitted uses.~~
- ~~17.53.100 — Number of occupants.~~
- ~~17.53.110 — Visitors.~~
- ~~17.53.120 — Tenancy.~~
- ~~17.53.130 — Traffic.~~
- ~~17.53.140 — Tourist occupancy tax.~~
- ~~17.53.150 — Audit.~~
- ~~17.53.160 — Dispute resolution.~~
- ~~17.53.170 — Violations — Penalty.~~
- ~~17.53.180 — Violations — Revocation.~~
- ~~17.53.190 — Ordinance review.~~

~~17.53.010 — Short title.~~

~~This chapter shall be known and may be cited as the “city of Trinidad vacation dwelling unit ordinance.” [Ord. 2011-02 § 1, 2011].~~

~~17.53.020 — Definitions.~~

~~“Event” means any use of a structure or land for a limited period of time. “Event” includes but is not limited to art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. “Event” does not include small parties and social gatherings of 20 people or less consistent with normal residential use.~~

~~“Good neighbor brochure” means a document prepared by the city and approved by the city manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions for parking and minimizing noise and quiet hours shall be included.~~

~~“Occupant” within this chapter is synonymous with the definition of “tourist” in TMC 3.20.020. As used in this chapter, “occupant” does not include children aged five or under.~~

~~“Transient use” means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.~~

~~“Vacation dwelling unit” (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use.~~

~~As used in this chapter, the definition of “vacation dwelling unit” falls within the definition of “lodging house” found in TMC 3.20.020 but does not include “inn” or “motel” within TMC 3.20.020.~~

~~“Visitor” means someone staying temporarily at a VDU, but that is not an “occupant” and not staying at the VDU overnight. [Ord. 2011-02 § 1, 2011].~~

~~17.53.030 — Purpose.~~

~~The purpose of this chapter is to ensure that vacation dwelling units are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located. [Ord. 2011-02 § 1, 2011].~~

17.53.040—Requirements.

~~A. Business License Application. Each VDU must procure a business license. Existing VDUs must obtain a business license within three months of the adoption of this chapter. The business license shall identify the existence of a VDU at a particular address and declares the number of bedrooms in the VDU.~~

~~A site plan and floor plan must be submitted along with the business license application so the city can verify the number of bedrooms and parking spaces. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this chapter shall also be provided.~~

~~Each application for a business license shall be accompanied with proof of general liability insurance in the amount of \$1,000,000 combined single limit and an executed agreement to indemnify, defend and save the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.~~

~~A business license fee of \$100.00 will be charged for the first year of each VDU's operation. Annual renewals for subsequent years shall be at the same cost as a renewal for any other business license in the city.~~

~~The city will notify all property owners within 100 feet of the VDU property of the VDU's business license within seven days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection (B) of this section.~~

B. Contact Information.

~~1. Local Contact Person. Each VDU must designate a local contact person on the business license form. That person may be either the owner or the property manager, and that person must live within 25 miles of Trinidad so that he/she can respond personally to an emergency.~~

~~2. Twenty Four Hour Emergency Contact Phone Number. A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad city clerk and posted within the VDU.~~

~~The emergency contact phone number will be forwarded by the city clerk to the Trinidad police department, the county sheriff's office, the Trinidad volunteer fire department, and to each neighbor within 100 feet of the VDU within seven days after the issuance or reissuance of a business license for the VDU.~~

~~If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency calling system or the police or sheriff's department. It is unlawful to make a false report or complaint regarding activities associated with a VDU.~~

~~C. Parking. A VDU must provide at least one on-site parking space per bedroom in the VDU. The parking space(s) shall be entirely on the VDU property. VDU occupants may not use public right of way (street) spaces to meet their parking needs. Parking spaces will not be located on the septic system unless it is designed and rated for traffic in accordance with the OWTS regulations.~~

~~D. Septic System. Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with the city's OWTS management program. Information on the appropriate use of a septic system, in a form approved by the city, shall be posted in each bathroom in the VDU and the kitchen.~~

~~E. Signs. A single sign no greater than three square feet in size shall be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU.~~

~~F. Trash. Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and/or debris on the site or within the unit.~~

G. Emergency Preparedness. Information regarding local hazards, such as earthquakes and ocean-related hazards, in a form approved by the city, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren and real emergencies shall be included.

H. Good Neighbor Brochure. Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and/or shall post the Good Neighbor Brochure in a clearly visible location within the VDU. [Ord. 2011-02 § 1, 2011].

17.53.050—Appearance and visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as required by this chapter). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors which are not commonly experienced in residential areas. [Ord. 2011-02 § 1, 2011].

17.53.060—Effect on existing vacation dwelling units.

Each individual holding a valid Trinidad business license for a VDU existing at the time the VDU ordinance is adopted shall be subject to the requirements of this chapter upon its adoption. The owner of an existing VDU which does not meet the requirements of this chapter will not be issued a business license and may not use the VDU structure for VDU purposes. [Ord. 2011-02 § 1, 2011].

17.53.070—Location.

VDUs are permitted in any zone district in the city that allows for single or multiple family dwelling units. A VDU may be allowed in a legally established accessory dwelling unit. Each separate VDU must obtain its own, individual business license. [Ord. 2011-02 § 1, 2011].

17.53.080—Noise.

Occupants of VDU properties and visitors shall not generate noise in excess of what might be expected in a residential neighborhood. Any noise occurring after 10:00 p.m. and before 8:00 a.m. should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors. [Ord. 2011-02 § 1, 2011].

17.53.090—Non-permitted uses.

There shall be no permitted use of the VDU structure other than occupancy for dwelling or sleeping purposes, as defined in TMC 3.20.020. Use for events which are not hosted by the VDU's property owner are not permitted. [Ord. 2011-02 § 1, 2011].

17.53.100—Number of occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the suburban residential zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. [Ord. 2011-02 § 1, 2011].

17.53.110—Visitors.

The number of visitors to a VDU shall be limited to not more than 20 persons per parcel at any time. If there is more than one VDU on a property, the 20-person maximum applies to the property, not each VDU. Visitors are not allowed on the premises between 1:00 a.m. and 4:00 a.m. [Ord. 2011-02 § 1, 2011].

17.53.120—Tenancy.

The rental of a VDU shall not be for less than two successive nights. [Ord. 2011-02 § 1, 2011].

17.53.130—Traffic.

Vehicles used and traffic generated by the VDU shall not exceed the type of vehicles or traffic volume normally generated by a residence occupied by a full-time resident in a residential neighborhood. [Ord. 2011-02 § 1, 2011].

17.53.140—Tourist occupancy tax.

The rental or other contractual use of a VDU is subject to a tourist occupancy tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of Chapter 3.20 TMC, Tourist

~~Occupancy Tax, which addresses the registration of TOT collectors, and the collection, record keeping, reporting, and remittances of applicable TOT. [Ord. 2011-02 § 1, 2011].~~

~~17.53.150 — Audit.~~

~~Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the city manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled. [Ord. 2011-02 § 1, 2011].~~

~~17.53.160 — Dispute resolution.~~

~~By accepting a VDU business license, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU. [Ord. 2011-02 § 1, 2011].~~

~~17.53.170 — Violations — Penalty.~~

~~Violations of this chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Chapter 1.08 TMC. Each separate day in which a violation exists shall be considered a separate violation. [Ord. 2011-02 § 1, 2011].~~

~~17.53.180 — Violations — Revocation.~~

~~If the VDU owner or property manager is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDU's business license may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement. [Ord. 2011-02 § 1, 2011].~~

~~17.53.190 — Ordinance review.~~

~~This chapter shall be reviewed by the planning commission a year after its adoption, and periodically thereafter, to ensure that it is meeting the needs of the community. [Ord. 2011-02 § 1, 2011].~~

Chapter 17.54

ACCESSORY DWELLING UNITS

Sections:

17.54.010 — Purpose and intent.

17.54.020 — Definitions.

17.54.030 — Location.

17.54.040 — Permits required.

17.54.050 — Permitting procedures.

17.54.060 — Existing ADUs.

17.54.070 — Development standards.

17.54.080 — Deed restrictions.

17.54.010 — Purpose and intent.

The city recognizes the importance of a suitable living environment for all residents. The State Legislature has declared that accessory dwelling units (ADUs) are a valuable form of housing in California. It is the intent of the city to permit ADUs, in conformance with state law, subject to standards that will ensure the units contribute to a safe living environment for all residents while protecting the water quality in and around Trinidad. The purpose is to provide flexibility in housing options, an opportunity for the development of small rental units, to provide relatively affordable housing for low- and moderate-income individuals and families, to provide economic support for resident property owners and to provide rental units for the elderly or disabled while still maintaining the small town, residential character of the city. [Ord. 2010-04, 2010].

17.54.020 — Definitions.

“Accessory dwelling unit” or “ADU” means any residential dwelling unit which provides complete independent living facilities on the same building site as a legal single-family residence, including permanent provisions for living, sleeping, cooking, eating, and sanitation, as defined in Government Code Section 65852.2(i)(4).

“Primary unit” means the primary, existing legal single-family residential dwelling unit which provides complete independent living facilities for one or more persons. [Ord. 2010-04, 2010].

17.54.030 — Location.

One ADU may be located on any residentially zoned site which either contains a primary unit or which is undeveloped, but there is a concurrent application for a primary unit. ADUs are not required to meet the density requirements of the general plan or zoning ordinance. A detached ADU is not considered an accessory building or accessory use. [Ord. 2010-04, 2010].

17.54.040 — Permits required.

A. Establishment of an ADU requires a permit from the city.

B. Any application for an ADU that meets all standards in TMC 17.54.070 shall be approved ministerially without discretionary review or public hearing.

C. A use permit shall be required in accordance with this chapter and Chapter 17.72 TMC for establishment of an ADU which does not meet all the development standards contained or referenced in this chapter. [Ord. 2010-04, 2010].

17.54.050 — Permitting procedures.

A. Step One—Submittal. Applications for ADUs shall be submitted to the city clerk’s office on a city of Trinidad ADU application. The city shall provide information on submittal requirements along with the application.

B. Step Two—Noticing. Notification for any pending ADU permit shall be provided to neighboring properties and interested persons in accordance with TMC 17.72.130. Notice shall be provided at least seven days prior to any determination by the city planner on a ministerial permit or planning commission on a use permit. If anyone submits evidence that shows that the project will not meet the development standards of TMC 17.54.070 to the satisfaction of the city planner, then a use permit shall be required to be granted by the planning commission.

~~C. Step Three—Issuance. A ministerial permit shall only be issued for an ADU if the application conforms to all the specific standards contained in TMC 17.54.070 and only after making the three findings below. For ADUs that do not meet the standards contained in TMC 17.54.070, in addition to the findings required for granting a use permit in TMC 17.72.070, the following findings shall also be required from the planning commission. The decision of the city planner and/or planning commission may be appealed in accordance with TMC 17.72.100.~~

- ~~1. The ADU is compatible with the design of the main unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and will not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.~~
- ~~2. The ADU will not tend to change the character of or cause a concentration of such units sufficient to change the characteristic of the residential neighborhood in which it is located.~~
- ~~3. The ADU is consistent with the Trinidad zoning ordinance and policies of the general plan, including that it will not cause significant blockage of coastal views from public viewing points and has been designed to minimize view blockage from adjacent residences. [Ord. 2010-04, 2010].~~

17.54.060—Existing ADUs.

A. Nonconforming ADUs.

- ~~1. Legal, nonconforming ADUs, those established prior to the certification of the city's zoning ordinance in 1980, shall maintain their nonconforming status and shall be subject to all the nonconforming regulations in Chapter 17.64 TMC (Nonconforming Uses and Structures), unless a permit application for an ADU is approved by the city planner or planning commission for that unit. If such permit is granted, then the ADU shall no longer be considered nonconforming and shall be subject to all the regulations of this chapter.~~
- ~~2. Units that cannot meet all the development standards of TMC 17.54.070 may be granted an exception if, in the opinion of the planning commission, findings 1 and 2 of TMC 17.54.050(C) can be made and all feasible measures to meet the development standards have been made. A use permit is required to be approved by the planning commission.~~
- ~~3. Legal, nonconforming ADUs are required to maintain their on-site wastewater treatment system at a level of satisfactory or better according to the city's OWTS management program. If the OWTS receives a performance rating of less than satisfactory, then restrictions on water use and occupancy should be enacted through a formal agreement with the property owners. Monitoring wells shall be installed to ensure that effluent is being adequately treated to prevent water pollution.~~

B. Illegal ADUs.

- ~~1. Owners of illegal ADUs, those that were constructed or converted after 1980 without planning commission approval, have a three-year grace period in which to apply for an ADU permit from the city. In addition to meeting the development standards of TMC 17.54.070 or receiving approval of a use permit, they must also conform to the following requirements:~~
 - ~~a. Units must be inspected by the city building official for and upgraded to compliance with health and safety requirements, which may include building permits and fees.~~
 - ~~b. Registered ADUs are required to maintain their on-site wastewater treatment system at a level of satisfactory or better according to the city's OWTS management program. If the OWTS receives a performance rating of less than satisfactory, then restrictions on water use and occupancy should be enacted through a formal agreement with the property owners. Monitoring wells shall be installed to ensure that effluent is being adequately treated to prevent water pollution.~~
 - ~~c. Units that cannot meet all the development standards of TMC 17.54.070 may be granted an exception if, in the opinion of the planning commission, findings 1 and 2 of TMC 17.54.050(C) can be made and all feasible measures to meet the development standards have been made.~~

~~2. If an illegal ADU is not registered within the timeframe set forth above, then when discovered, whether by an OWTS inspection or other means, the city may immediately begin nuisance abatement against the property. [Ord. 2010-04, 2010].~~

17.54.070 — Development standards.

~~An ADU permit will be issued only if it complies with all the following development standards:~~

~~A. Existing Development. A single family dwelling must exist on the site or shall be constructed on the site in conjunction with the construction of the ADU.~~

~~B. Number per Building Site. A maximum of one ADU shall be permitted on any one parcel or lot. ADUs may not be permitted on residential lots already having two or more dwelling units thereon.~~

~~C. Unit Size. The second unit must be either attached to the primary unit and located within the living area of the primary unit, or detached from the primary unit and located on the same lot as the primary unit. The floor area of an attached second unit shall not exceed 30 percent of the existing living area of the primary unit or 800 square feet, whichever is less, except that a minimum size of 150 square feet shall be allowed. The total area of floor space of a detached second unit shall not exceed 1,000 square feet.~~

~~D. Setbacks. The setback requirements of the zoning district in which the ADU is located shall apply; however, ADUs may be permitted in legally constructed structures located within required rear and side setbacks. A detached ADU shall be at least 10 feet from any building. Rear yard setbacks for ADUs on alleys shall be measured from the centerline of the alley.~~

~~E. Height. An attached ADU shall not be greater in height than the primary unit. A detached ADU shall be no greater than 15 feet in height.~~

~~F. Lot Coverage and Floor Area. An ADU shall be included in the lot coverage and floor area requirements applicable to the site. Floor area is measured to the outside surface of exterior walls of the living space. Total floor area of both units shall not exceed 2,600 square feet or 30 percent floor to area ratio and 25 percent lot coverage.~~

~~G. Off Street Parking. The ADU shall provide one off street parking space per unit. The parking space may be covered or uncovered and must be of standard size. Required parking may be located within required setbacks, and can be tandem.~~

~~H. Permanent Foundation. A permanent foundation shall be required for all ADUs.~~

~~I. Architectural Compatibility.~~

~~1. The ADU shall incorporate the same or similar architectural features and building materials as the main dwelling unit or dwellings located on adjacent properties and shall be consistent with the city of Trinidad design review and view protection findings.~~

~~2. Any exterior alteration or addition to a dwelling on the Historic Resources Inventory shall be consistent with the Secretary of the Interior's Standards and Guidelines.~~

~~J. Privacy. The entrance to the accessory unit shall face the interior of the lot unless the accessory unit is directly accessible from an alley or a public street, or if it utilizes the same entrance as the primary unit. Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.~~

~~K. Utilities. All utilities for detached units shall be installed underground. All ADUs shall have separate utility meters from the primary residence.~~

~~L. On-Site Wastewater Treatment System (OWTS). Prior to issuance of a building permit, the applicant shall submit certification by the health department that the existing OWTS is of adequate size and condition to support projected sewage flow for the primary unit and ADU. If the capacity or condition of the existing OWTS is found to be inadequate to serve the existing and proposed units on the property, OWTS shall be replaced or upgraded to meet current standards, at the expense of the applicant.~~

~~M. Accessibility. All newly constructed first floor ADUs shall be adaptable for use by persons with ADA defined disabilities as follows:~~

~~1. The bathroom shall provide minimum clearances as specified for accessible units per California state accessibility requirements, and grab bar blocking shall be installed in the walls.~~

~~2. Entry doors shall have a minimum width of three feet.~~

~~3. Interior doors shall have a minimum width of two feet 10 inches.~~

~~4. Thresholds shall meet California state accessibility requirements.~~

~~5. The kitchen shall meet the minimum clearances specified in the California state accessibility requirements.~~

~~N. Occupancy. The principal place of residence of the property owner shall be either the ADU or the primary unit. [Ord. 2010-04, 2010].~~

~~17.54.080 — Deed restrictions.~~

~~Before obtaining an ADU building permit, the property owner shall file with the county recorder a declaration or an agreement of restrictions, which has been approved by the city attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:~~

~~A. The ADU shall not be sold separately from the primary unit.~~

~~B. Any conditions required by Chapter 13.12 TMC.~~

~~C. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner. [Ord. 2010-04, 2010].~~

Chapter 17.56

SPECIFIC USE REGULATIONS

Sections:

- 17.56.010 Applicability.
- 17.56.020 Accessory uses.
- 17.56.030 Vehicle and other storage.
- 17.56.040 Animals.
- 17.56.050 Assemblages of persons and vehicles.
- 17.56.060 Home occupations.
- 17.56.062 Single room occupancy units
- 17.56.070 Mobile buildings.
- 17.56.080 Access to public road.
- 17.56.090 Accessory structures.
- 17.56.100 Height limitations and modifications.
- 17.56.110 Yards, fences, walls and hedges.
- 17.56.120 Swimming pools.
- 17.56.130 Shoreline protection and alteration.
- 17.56.140 Rare plants.
- 17.56.150 Public access to the shoreline.
- 17.56.160 Signs.
- 17.56.170 Landscaping and screening.
- 17.56.180 Parking.

17.56.190 Regulations for Short Term Rentals

17.56.010 Applicability.

The following specific regulations are intended to provide for the location and control of certain special and accessory uses and to provide supplementary regulations pertaining to yards, buildings, parking, and -

~~noneconforming other uses standards~~ which apply to several zones or uses. The following regulations shall apply in all zones. Where the provisions of this chapter conflict with the provisions of any zone, the provisions of this chapter shall apply. [Ord. 166 § 6.01, 1979].

17.56.020 Accessory uses.

Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a ~~Use P~~ permit, unless particularly provided in this chapter; provided, that no accessory use shall be conducted on any property in the SE, SR and UR zones unless and until the main building is erected and occupied, or until a ~~Use P~~ permit is secured. Use of a recreational vehicle as a temporary residence by visitors for not more than 15 days in any calendar year shall be a use accessory to a dwelling. [Ord. 166 § 6.02, 1979].

17.56.025 Single room occupancy units.

The provisions of this section are intended to provide opportunities for the development of permanent, affordable housing for small households and for people with special needs in proximity to transit and services and to establish standards for these small units.

A. Location. A single-room occupancy residential housing facility shall not be located within three hundred (300) feet of any other single-room occupancy residential housing, emergency shelter, or other similar program, unless such program is located within the same building or on the same lot.

B. Density. Single room occupancy units are not considered dwellings for the purposes of calculating density, but density shall not exceed wastewater treatment capacity of the soil.

C. Development Standards.

1. Size. Units shall have a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of four hundred (400) square feet.

2. Occupancy. Each unit shall accommodate a maximum of two persons.

3. Bathroom. A single room occupancy unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub or shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per every three units.

4. Kitchen. A single room occupancy unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

5. Closet/Storage. Each single-room occupancy unit shall have a separate closet or be provided access to a separate, secure storage space within the facility.

6. Common Area. Ten (10) square feet of common, usable open space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, and two hundred (200) square feet of exterior open space, excluding parking areas, janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.

7. Laundry. Common laundry facilities shall be provided at a rate of not less than one (1) washer and one (1) dryer per site, in addition to a laundry sink and folding area. The requirement for common on-site laundry facilities may be waived if there is a public laundry facility within one-quarter (¼) of a mile from the project site.

8. Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the single-room occupancy facility.

9. Code Compliance. Single room occupancy units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements.

10. New Structure. A new structure containing single room occupancy unit(s) will be subject to all applicable regulations for new structures, including geologic studies, public access requirements and design review.

11. Existing Structure. An existing structure may be converted to a single room occupancy facility, consistent with the provisions of this section. Any such conversion must bring the entire structure up to current building code standards, including accessibility and adaptability standards, unless otherwise exempted by the chief building official.

12. Wastewater. The onsite wastewater treatment system shall be designed or upgraded as needed to meet all applicable standards for single room occupancy units whether the facility is located in a new or existing structure.

13. Off-street parking shall be required as specified in Section 17.56.180.B.4.

D. Business Practices—Facility Management. A single room occupancy facility with ten (10) or more units shall provide on-site management. A single room occupancy facility with less than ten (10) units may provide a management office on site.

E. Management Plan. A management plan shall be submitted with the development application for a single room occupancy facility and shall be approved by the Planning Commission. The management plan must address management and operation of the facility, rental procedures, safety, and security of the residents and building maintenance.

F. Tenancy. Tenancy of SRO units shall not be for less than thirty (30) days.

G. Mixed Use Allowances. On parcels in which mixed use projects are allowed, single room occupancy units may be combined with other uses.

17.56.030 Vehicle and other storage.

Abandoned, unlicensed, inoperable or partially dismantled vehicles may be parked within the confines of a legally established vehicle repair business. They may also be stored within any enclosed building. Also, not more than two vehicles intended to be repaired or restored may be parked outdoors if they are located in the rear yard and are screened by a sight-obscuring fence, wall or hedge. Storage of crabpots, boats, and recreational vehicles is permitted in required yard areas except in the street corner area identified in TMC 17.56.110(F); provided, that access to the perimeter of the dwelling is not obstructed, and no such storage is closer than five feet to the front lot line. Storage of building materials, equipment and appliances and similar unsightly items shall not be stored in the required front or street side yard for more than 30 days in any year. [Ord. 166 § 6.03, 1979].

17.56.040 Animals.

A. In all zones no more than four household pets such as dogs and cats may be kept as an accessory use to a dwelling, unless a Use Permit is obtained. In addition to any household pets, not more than four small domestic animals, including rabbits and poultry, may be kept in the Suburban Residential and Urban Residential zones on a lot 8,000 square feet in area or less. No rooster over the age of six months shall be permitted in the Urban Residential zone. One additional small domestic animal may be kept for each 2,000 square feet of area by which the lot exceeds 8,000 square feet.

B. In addition, the following domestic animals may be kept as accessory to a dwelling in the Suburban Residential zone:

1. One large domestic bovine or equine animal may be kept on a lot of not less than one acre. One additional animal may be kept for each half acre by which the lot exceeds one acre;

2. Two medium sized domestic animals, including sheep and goats, may be kept on any lot of not less than 20,000 square feet. One additional animal may be kept for each 10,000 square feet of area by which the lot exceeds 20,000 square feet. [Ord. 166 § 6.04, 1979].

17.56.050 Assemblages of persons and vehicles.

No circus, carnival, open-air or drive-in theater, vehicular racetrack, religious revival tent or similar assemblage of people and vehicles shall be permitted in any zone unless a Use Permit is first secured. [Ord. 166 § 6.05, 1979].

17.56.060 Home occupations.

Home occupations, including but not limited to those ancillary to fishing and tourism, cottage industries, sewing, music studios, art studios, home and health care product distributors, food production, bookkeeping, and family daycare homes shall be permitted as an accessory use to any dwelling, subject to the following conditions:

- A. All applicable State licenses and approvals are in place;
- B. No employees other than members of the resident family may work in the home occupation;
- C. Not more than one, unlighted sign not to exceed three square feet in area and attached to the dwelling;
- D. No outside display of merchandise;
- E. Electrical motors only, and not to exceed a total of one horsepower;
- F. No radio or television interference or noise audible beyond the boundaries of the site shall be emitted as a result of the home occupation;
- G. No odors shall be emitted outside of the home related to the home occupation.
- H. No significant increase in automobile, traffic and vehicular parking over normal residential use shall occur and no trucks of greater than three-quarter ton on the site. [Ord. 166 § 6.06, 1979].

17.56.070 Mobile buildings.

Mobile buildings, including mobilehomes, shall not be stored in the City. Outside of the MH combining zone a mobilehome or mobile building may be located on a lot and used for a residence or office only under the following conditions:

- A. One mobile building may be used as an office, appurtenant and accessory to the operation of a mobilehome or RV sales area.
- B. One mobile building may be permitted as a temporary office or residence after obtaining a building permit for the construction of a permanent building of the same use on the same lot, subject to the approval of the Building Inspector. Such use of the mobile building shall be limited to six months from the date of building permit issuance and shall automatically terminate upon the expiration or voidance of the building permit. The Building Inspector may approve one additional time period of six months if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.
- C. A mobile building may be used, subject to obtaining a Use Permit, as a temporary office by a construction contractor.
- D. A mobile building may be used, subject to obtaining a Use Permit, for an office and sales of fishing equipment in conjunction with the operation of the harbor. The mobile building shall be sited, and the exterior appearance modified to blend the unit with the harbor environment. The existing parking area shall not be reduced, and the building must be removed from the harbor area between October 1st and April 15th of each year. [Ord. 84-180 § 1, 1984; Ord. 175 § 1, 1981; Ord. 166 § 6.07, 1979].

17.56.080 Access to public road.

All lots created subsequent to the adoption of these regulations shall have 25 feet of frontage on a public road, or 25 feet of frontage on a public easement at least 25 feet wide from the lot to a public road. Lots existing on the effective date of the regulations codified in this chapter not having such access to a road may be used for the purpose

provided in these regulations if a Use Permit is first obtained incorporating such conditions as the Planning Commission deems necessary to ensure sufficient access to a public road. [Ord. 166 § 6.08, 1979].

17.56.090 Accessory structures.

Accessory structures shall be located in the area between side property lines from the rear lot line to the rear of the front yard, except that accessory structures shall not be closer than 10 feet to any on-site building and not closer than 15 feet to any side lot line abutting a street. Accessory structures for nonhousehold animals shall not be located closer than 50 feet to any dwelling. Accessory structures shall not be more than 15 feet in height in the SR and UR zones and shall comply with the maximum building height limitation in other zones. [Ord. 166 § 6.09, 1979].

17.56.100 Height limitations and modifications.

Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof. Chimneys, vents, flagpoles, conventional television reception antennas, ventilating and air conditioning equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in making such measurement. [Ord. 166 § 6.10, 1979].

17.56.110 Yards, fences, walls and hedges.

The minimum yard requirements set out in Chapters 17.16 through 17.52 TMC shall be subject to the regulations of this section:

A. Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet into a side yard and four feet into front, streetside and rear yards. Uncovered porches, decks, balconies, stairways, fire escapes or landings may extend a maximum of eight feet into front, streetside or rear yards and three feet into side yards.

B. The streetside yard on a corner lot shall be 15 feet.

C. Sight-obscuring fences, walls or hedges within a required front yard or required side yard adjacent to a street more than two and one-half feet in height shall not be located closer than 15 feet to the point where the edge of a driveway crosses the property line. Fences located within a required front yard, or side yard adjacent to a street, shall not exceed four feet in height.

D. Fences, walls and hedges located within a required interior side yard or required rear yard shall not exceed six feet in height. However, the Building Inspector may approve fences, walls and hedges higher than six feet within a required interior side yard, or required rear yard if the owner obtains written consent from the adjoining property owner. Emergency access through such fencing shall be provided when it obstructs access to a building.

E. Fences, walls and hedges within the buildable portion of a lot may exceed six feet in height, but emergency access shall be provided when the fence, wall or hedge obstructs access to a building.

F. For corner lots, within the area lying between the front and street side lot lines and a line connecting points on these lot lines 20 feet from their intersection, sight-obscuring fences, walls and vegetation shall not exceed two and one-half feet in height above the established grade of either street. Tree trunks, posts or columns not exceeding 18 inches in cross-sectional width, measured at three feet above the established grade of either street, shall be permitted; provided, that tree branches are removed up to eight feet above the grade of either street.

G. Limitations on fence height shall not be deemed to prohibit non-sight-obscuring safety or security fences of any height necessary for public playgrounds, public utilities, and other public installations. [Ord. 166 § 6.11, 1979].

17.56.120 Swimming pools.

Any artificial pool, pond, lake or open tank, not completely enclosed within a building, which is normally capable of containing water to a depth greater than 18 inches at any point and in which swimming or bathing is permitted to the occupants of the premises on which it is located, or their guests, and which shall not be used for commercial purposes, shall be permitted as an accessory structure in any zone and shall be subject to the following regulations:

A. Such pool shall be located on the rear one-half of the lot and in any case not less than 50 feet from the lot line, nor closer than five feet to a side or rear lot line. Filter and heating systems shall not be located within 10 feet of any lot line;

B. Such pool or the property on which it is located shall be completely enclosed by a wall or fence not less than four and one-half feet in height, containing no openings greater than four inches except for self-closing and self-latching gates on which the latch is at least four feet above ground level in order that full control of access by children may be maintained. [Ord. 166 § 6.12, 1979].

17.56.130 Shoreline protection and alteration.

A. The following regulations shall apply to the construction of shoreline protection works and to any dredging, diking, damming, channelization, filling or similar activity in the area less than 20 feet above mean lower low water or within the 100-year floodplain or any perennial stream in the Ceity.

B. Before any dam, dike, fill, groin, revetment, breakwater, retaining wall or similar structure, or dredging, diversion, channelization or similar activity shall be constructed or undertaken within the Ceity, the applicant or lead agency shall provide the Ceity 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 Ceity 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. [Ord. 168 § 4, 1980].

17.56.140 Rare plants.

The Ceity shall refer all applications for development in the area north of Main Street (extended to the west and east) to the California Department of Fish and Game Wildlife to determine if rare plants exist on the site. If such plants are found, any permit shall require that the developer meet any mitigation requirements recommended by the Department. If a new location of a rare or endangered plant is found in the future, the Ceity will require the applicants of a development permit to notify the California Department of Fish and Game Wildlife if the development is within 100 feet of the location of the plant. Any permit shall require that the developer meet any mitigation requirements recommended by the Department of Fish and Game Wildlife. [Ord. 167 § 9, 1980; Ord. 166 § 6.14, 1979].

17.56.150 Public access to the shoreline.

A. As a condition of approval for any Variance, Conditional Use Permit, Coastal Development Permit, or Design Review of new development, the landowner shall offer to dedicate an easement for public access, for a period of 21 years, along the ocean shoreline from the mean high tide line up to the first line of terrestrial vegetation or a distance inland of 25 feet, whichever is the greater, and a 25-foot-wide easement along any trail designated in the Trinidad General Plan located on the subject property. These public easements shall only take effect when a public or private trust approved by the Ceity accepts responsibility for liability and the improvement and maintenance of the access easement.

B. The following restrictions apply in this 25-foot easement:

1. Existing motorized access shall not be enlarged and where motorized access does not exist, it shall not be allowed;
2. Foot trail portions of the easement shall not exceed 10 feet in utilized width;
3. Existing foot trails should be used except when design or stability problems require a change;
4. Buffer zone areas on the unutilized portions of the foot trails shall not be open to the public.

C. For purposes of this section, "new development" does not include:

1. The replacement of any structure, other than a public works facility destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same general location on the affected property as the destroyed structure;
2. The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure;

3. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the original structure by more than 10 percent, which do not block or impede public access and which do not result in a seaward encroachment by the structure;

4. The reconstruction or repair of any seawall; provided, that the reconstructed or repaired seawall is not seaward of the location of the former structure;

5. Any repair or maintenance activity for which the Coastal Commission has determined, pursuant to Public Resources Code Section 30610, that a Coastal Development Permit will be required unless the Coastal Commission determines that activity will have an adverse impact on lateral public access along the beach.

D. As used in this section, “bulk” means total interior cubic volume as measured from the exterior surface of the structure.

E. As used in this section, “disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

F. As used in this section, “structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

G. Nothing in this section shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution. [Ord. 84-180 § 6.15, 1984; Ord. 175 § 2, 1981; Ord. 167 § 10, 1980; Ord. 166 § 6.15, 1979].

17.56.160 Signs.

A. In all zones the following signs shall be permitted; provided, that signs permitted in subsections (A)(2) and (3) of this section shall be subject to review by the ~~planning commission~~Design Assistance Committee:

1. A residential nameplate bearing the name of the occupant and not exceeding two square feet; provided, that three square feet shall be permitted for a residence with a home occupation;

2. Identifying sign and/or bulletin board for a church, school or other public or religious use, which may be indirectly lighted, not exceeding 32 square feet in area and located on the premises; provided, that it is no closer than 10 feet from any property line;

3. No more than two signs advertising a subdivision or housing development located on the premises thereof, unilluminated not exceeding 32 square feet in area each and not less than 10 feet from any property line;

4. Unilluminated signs not exceeding a total area of six square feet, and not more than two in number pertaining to the sale or lease of residential property and unilluminated signs not exceeding 32 square feet and not more than two in number pertaining to the sale or lease of land in the PD, VS and C zones;

5. Public safety and directional signs not exceeding two square feet including no trespassing signs; political campaign signs and posters, provided such signs and posters are removed not more than 30 days after the date of the election;

6. One temporary portable sign not exceeding 32 square feet in area, during one 15-day period in any calendar year.

7. ~~Vacation Dwelling Unit~~Short Term Rental identification signs, as allowed by Section 17.56.190 (6.26).~~M.10H-5~~, provided that such signage is not placed in a public right-of-way, and does not rotate, blink, flash, sparkle, or obstruct the visibility of any traffic control sign.

B. In the PD, VS and C zones on-premises signs shall be permitted, subject to the following regulations and the review of the ~~planning commission~~Design Assistance Committee:

1. The total advertising area permitted for any parcel of land shall be one square foot for each foot of street frontage; provided, that any parcel shall be permitted at least 20 square feet of advertising area, but in no case

shall the advertising area for any parcel exceed 300 square feet. No individual sign established after the adoption of the ordinance codified in this title shall be greater than 50 square feet in area;

2. No freestanding sign shall exceed the maximum building height for the zone in which the sign is located. Signs attached to buildings shall not project more than three feet above the roof line;

3. Signs projecting over public rights-of-way shall not exceed 32 square feet in area, shall not project more than five feet, and shall not be closer than 14 feet to the ground unless attached to the underside of a projecting canopy, in which case the sign shall not be more than six square feet in area and shall not be closer than nine feet to the ground or sidewalk;

4. Signs that rotate, blink, flash, sparkle, resemble traffic-control signs, obstruct the visibility of any traffic sign, and portable signs in a public right-of-way are prohibited. Nonappurtenant signs are prohibited except that a maximum of two directional signs of not more than four square feet each may be permitted adjacent to primary collector streets subject to obtaining a Use Permit; and provided, that multiple identification signs included within a community business directory shall be permitted in the C zone, subject to a Use Permit. [Ord. 2001-01 § 7, 2002; Ord. 166 § 6.16, 1979].

17.56.170 Landscaping and screening.

These regulations are intended to protect individual properties from traffic glare and to improve the appearance of new development in the City:

A. Maintenance. All required planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, weeding, cleaning, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. All screening shall be in sound functional condition, or, whenever necessary, repaired and replaced.

B. Materials. Where trees are required in a new development they shall be of a species, degree of maturity, and spacing acceptable to the Design Assistance Committee. Where dense landscaping to a specified height is prescribed, it shall be of a type that will provide a year-round barrier to the prescribed heights, and shall be so spaced that vision of objects on the opposite side is effectively eliminated.

C. Dense landscaping or solid wall or fence of a minimum height of six feet shall be provided along the rear and side property lines of any nonresidential use which abuts on a residential use; to screen any open area used for the storage of goods, materials, or waste from view from abutting properties and from public rights-of-way; to screen any open area used to display goods or materials for sale from abutting properties.

D. Prescribed fences, walls or dense landscaping need not be provided along a lot line if a fence, wall or dense landscaping of at least equivalent height, density and maintenance exists immediately abutting and on the opposite side of ~~the said~~ lot line.

E. Perimeter landscaping shall be provided between parking spaces and adjacent street right-of-way whenever five or more parking spaces are required. Such landscaping area shall be at least four feet wide and protected from damage by a curb or header adjacent to the parking area. In addition, whenever five or more parking spaces are required one tree shall be provided, with an additional tree required for every 10 additional required parking spaces. Such trees shall be planted in tree wells at least four feet by four feet, protected by a curb or header. Whenever five or more parking spaces are required, at least two percent of the parking area, including the above required landscaping, shall be landscaped. [Ord. 166 § 6.17, 1979].

17.56.180 Parking.

Off-street parking and loading space shall be provided in all zones in conformity with the following:

A. Each required parking space shall not be less than eight feet six inches wide, 18 feet long and seven feet high; provided, that where three to four spaces are required, one space may be 16 feet long to accommodate compact cars; where five spaces are required, two may be 16 feet long; and where six or more spaces are required, up to 50 percent of the spaces may be 16 feet long.

B. Parking spaces shall be as follows:

1. Campground, RV park, motel: two spaces plus one space per unit;
2. Single-family dwelling and mobilehome on a lot: two spaces in addition to any garage spaces;
3. Attached dwellings (duplex, townhouse): one and one-half spaces per unit;
4. Single room occupancy units: one space per unit;
5. Offices and retail business: one space per 300 square feet of gross floor area, with a minimum of three spaces. One additional space per employee in a medical or dental office;
6. Restaurant, lounge: one space for each four seats or 200 square feet of gross floor area, whichever is the largest;
7. Drive-in restaurant: one space per 100 square feet of gross floor area;
8. Wholesale, service station, vehicle and equipment repair, day care center, retail sale of bulky items: two spaces plus one space per employee on largest shift;
9. Emergency shelters: two spaces plus one space for every five beds;
10. Within the ~~PD~~ Planned ~~D~~development zone: gift shops, personal services, professional offices, retail sales, visitor services and combined residence and businesses other than a home occupation: a minimum of three spaces for up to 500 square feet of gross floor area of the business; an additional one space per each additional 300 square feet of gross floor area of the business. This provision applies only in ~~PD or~~ Planned ~~D~~development zones.

119. Short term rental/Vacation dwelling unit: A minimum of one off-street parking space per every two occupants allowed in the ~~VDU-STR~~ unless an exception wais granted pursuant to Section 17.56.190 (6.26). M.6H.2.

C. Required parking spaces shall be located on the same lot with the use to be served. Required parking shall not be located closer than 20 feet to the intersection of street rights-of-way. Where four or more dwellings are located on the same lot, outdoor parking shall not be closer than five feet to any on-site building and not closer than three feet to any side or rear lot line. Where more than four parking spaces are required, they shall not be located so as to require backing into the public street right-of-way. Where parking spaces or an aisle serving a parking facility is adjacent to the UR or SR zones, a sight-obscuring fence at least four feet high shall be provided.

D. Any parking facility of four or more vehicles, including access driveways and aisles, shall be graded and drained to dispose of surface water to the satisfaction of the Ceity Engineer, and shall be surfaced with concrete, asphaltic concrete, bituminous surface treatment or an equivalent satisfactory to the Ceity Engineer, and shall be maintained in good condition free of weeds, trash and debris. Individual parking spaces shall be designated by contrasting paint or markers.

E. Driveways providing access to a parking facility shall be at least 12 feet wide for each lane of travel, and aisles providing access to parking spaces shall be as follows:

1. One-way aisle serving angle parking less than 50 degrees, 12 feet wide;
2. One-way aisle serving angle parking 50 to 75 degrees, or two-way aisle serving angle parking less than 50 degrees, 18 feet wide;
3. Two-way aisle serving angle parking 50 degrees or more, or aisle serving more than 75-degree angle parking, 24 feet wide.

F. Parking facilities for nonresidential uses which will be used after dark shall be lighted; provided, that the light source shall be directed away from adjoining residential premises.

G. Required parking for residences and for uses requiring less than four parking spaces shall be graded and surfaced to provide an all-weather surface.

H. In the PD ~~P~~lanned ~~D~~evelopment zone, in lieu of providing parking facilities required by the provisions of this section, the requirements may be satisfied by payment to the ~~C~~eity, prior to the issuance of the building permit, of an amount per parking space, prescribed by the ~~C~~ity ~~C~~eouncil, for each parking space required by this section but not provided. The payment shall be deposited with the ~~C~~eity in a special fund and shall be used, whenever possible, for the purpose of acquiring, developing, maintaining or enhancing parking facilities located, insofar as practical, in the vicinity of the use for which the payment is made. The ~~C~~eouncil may decline to accept payment in lieu of providing parking facilities. [Ord. 87-190 § 1 (Exh. A), 1987; Ord. 167 § 10, 1980; Ord. 166 § 6.18, 1979].

Section 17.56.190 Regulations for Short Term Rentals

Sections:

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17.56.190.B	Findings
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17.56.190.D	Definitions
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17.56.190.T	Severability

17.56.190.A Short ~~t~~itle.

This Section shall be known and may be cited as “City of Trinidad Short Term Rental ~~(STR)~~ Ordinance.”

17.56.190.B Findings

The City Council finds that adoption of a comprehensive code to regulate issuance of and standards for Short Term Rental Licenses is necessary to protect the public health, safety and welfare and to strike a proper balance between City residents’ concerns and the rights of property owners, STR owners and operators as well as visitors to the City. The City Council finds the regulation of short-term rental uses through this ~~Ordinance~~~~section~~, including its nontransferability provisions, to be a valid exercise of the ~~C~~eity’s police power in furtherance of the legitimate governmental interests documented in this chapter.

17.56.190.C Purpose.

The purpose of this ~~s~~Section is to establish a permitting process, together with appropriate standards that regulate short-term rental of dwellings in the City in order to: minimize negative secondary effects of ~~Short Term Rentals~~ ~~(STRs)~~ on surrounding residential neighborhoods; preserve the character of neighborhoods in which any such use occurs; ensure that STRs are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located; minimize impacts to coastal resources; provide for visitor services in accordance with the Coastal Act; and ensure STRs are consistent with all other provisions of the General Plan and Zoning Ordinance. This section addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of licenses issued to ensure long-term availability of the affordable housing stock and to ensure Trinidad has enough

residents to maintain a viable community. This section also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

17.56.190.D Definitions.

~~1. City Manager~~

~~“City Manager” means the City Manager of the City of Trinidad.~~

12. Dwelling.

“Dwelling” means a single family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

23. Event.

"Event" means any use of a structure or land for a limited period of time. “Event” includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. “Event” does not include small parties and social gatherings, of no more than the maximum allowed occupancy, consistent with normal residential use.

34. Existing STR.

“Existing STR” means an STR that had a valid STR License as of the effective date of this ~~ordinance~~section.

45. Full-time STR

“Full-time STR” means any STR that is not a Homeshare STR or Resident STR.

56. Good Neighbor Contract & Good Neighbor Brochure.

"Good Neighbor Contract" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the contract shall include provisions for maximum occupancy and visitors, off-street parking, noise standards, and penalties for violations. The “Good Neighbor Brochure” is a brief summary of the Good Neighbor Contract, in a form approved by the City Manager, which may include additional information and suggestions for occupants for minimizing disturbance to neighbors and environmentally sensitive habitat areas. The Good Neighbor Brochure shall be posted or placed in a prominent location inside each STR.

67. Homeshare STR

“Homeshare STR” means a Short Term Rental whereby a homeowner rents out no more than one bedroom in their primary residence and is present on site between the hours of 10 p.m.~~PM~~ to 7 a.m.~~AM~~ while rented as an STR

78. Meet and gGreet

“Meet and gGreet” means an in-person, on-site meeting at the STR between the property manager and the responsible person on the day of arrival, or no later than 12:00 p.m. on the morning after a late night arrival, at which time the parties will sign, date, and time stamp the Good Neighbor Contract to indicate it has been reviewed and the responsible person has not misrepresented their group during the reservation process.

89. Occupant.

“Occupant” within this section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein. As used in this Section, “occupant” does not include up to two children aged 12 or under.

940. Primary residence

“Primary ~~r~~Residence” means the dwelling owned and occupied as the owner’s principle place of residence, where the homeowner lives more than 50% of the year. A person can only have one primary residence at any time.

104. Property ~~m~~Manager

“Property ~~m~~Manager” or STR ~~m~~Manager means the designee(s) responsible for managing an STR, including authorizing rental contracts. The ~~p~~Property ~~m~~Manager may be the owner and/or the ~~l~~Local ~~c~~Contact ~~p~~Person.

112. Resident STR

“Resident STR” means a Short Term Rental that is operated less than 60 nights per year and which is the owner’s primary residence, but the owner does not have to be in residence while the dwelling is rented as an STR.

123. Responsible ~~p~~Person.

“Responsible ~~p~~Person” Means the occupant of an STR who is at least twenty-five (25) years of age, who signs the Good Neighbor Contract and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this ~~s~~Section.

~~14. Short Term Rental (STR)~~

~~“Short Term Rental” (STR) means a rental of any dwelling in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month to month tenancy granted to the same renter for the same dwelling, (3) one less than 30 day rental per year, or (4) a house exchange for which there is no payment.~~

135. STR ~~w~~Watch ~~l~~ist

“STR ~~w~~Watch ~~l~~ist” means a list of one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

146. Transient ~~u~~se.

“Transient use” means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

157. Visitor.

“Visitor” means someone staying temporarily at an STR, such as guests of occupants, who is not an ‘occupant’ and not staying at the STR overnight.

17.56.190.E Application ~~r~~Requirements.

1. Initial Application.

- a. Each STR must procure an STR License. No additional business license is required for an STR. The STR License shall identify the existence of a STR at a particular address and declare the type of STR, number of bedrooms rented in the STR and its intended maximum occupancy.
- b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided. Applicants for a Homeshare or Resident STR License shall provide documentation that the property is owner’s ~~p~~Primary ~~r~~Residence.

- c. At the time of application for a new STR, the dwelling shall be subject to inspection by the Building Inspector. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulations. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.
- d. Each application for an STR License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this ~~s~~Section.
- e. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice shall be combined with the distribution of contact information required in subsection 2.c below. STR License information, including, but not limited to, license number, address, maximum occupancy, ~~I~~Local ~~c~~Contact ~~p~~Person, and 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number, will also be posted on the City's website.
- f. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the short term rental use of the residence. Such protective measures include, but are not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. Contact ~~i~~Information.

- a. Local ~~c~~Contact ~~p~~Person.

Each STR must designate a ~~I~~Local ~~c~~Contact ~~p~~Person on the STR License form. That person may be the owner or the ~~p~~Property ~~m~~Manager. The ~~I~~Local ~~c~~Contact ~~p~~Person may designate a temporary ~~I~~Local ~~c~~Contact ~~p~~Person for a specific rental night(s); that designation must be reported to the City at least 24 hours before the rental date. The ~~I~~Local ~~c~~Contact ~~p~~Person, or their temporary designee, must live within 20 miles of Trinidad and be able to respond personally to an STR concern within 30 minutes.

- b. 24-~~h~~Hour ~~c~~Contact ~~p~~Phone ~~n~~Number.

A 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number is required for each STR. The 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number shall be prominently placed for the occupants' use inside the STR. Any change to the 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number shall be promptly posted within the STR and provided to the Trinidad City Clerk at least 15 days prior to any change. A temporary ~~I~~Local ~~c~~Contact ~~p~~Person designee shall use the same ~~c~~Contact ~~p~~Phone ~~n~~Number as the ~~I~~Local ~~c~~Contact ~~p~~Person.

- c. Distribution of ~~c~~Contact ~~i~~Information

The name of the ~~I~~Local ~~c~~Contact ~~p~~Person and 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number will be forwarded by the City Clerk to the Trinidad Police Department, the Humboldt County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 300 feet of the STR, and posted on the City's website within 10 business days after the issuance or reissuance of an STR License for the STR.

The contact information sent to neighbors may include further instructions in the case that a response from the ~~I~~Local ~~c~~Contact ~~p~~Person is not forthcoming. If there is an emergency or complaint, and the ~~I~~Local ~~c~~Contact ~~p~~Person does not respond within a reasonable period of time, concerned persons will be encouraged to report an emergency through the 911 emergency calling system or the ~~p~~Police or ~~s~~Sheriff's ~~d~~Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with an STR.

3. STR License ~~r~~Renewals.

STR ~~L~~icenses shall be renewed annually. Renewals must be submitted by February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not had an initial inspection as required by §17.56.190.E.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of a STR License for an existing STR will be approved as long as all applicable standards are still met unless or until such time as the permit is revoked pursuant to §17.56.190.R.4 (~~6.26.R.4, Revocation~~) or 17.56.190.M14 (~~6.26.M.14, Minimum Activity~~) or until the STR license expires pursuant to 17.56.190.J (~~6.26.J, License Transferability~~) or if it is voluntarily withdrawn.

4. Appeals

Appeals of staff determinations or decisions in accordance with this section shall be appealable per section 17.72.100 (~~7.14~~) except that STR License decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section 17.72.100.D (~~7.14.D~~), fees for appeals of STR License decisions shall be set by resolution of the City Council.

5. Fees

Fees for initial applications and renewals for each type of STR shall be set by resolution of the City Council.

6. Application w~~W~~ait ~~L~~ist & ~~L~~ottery

It is the City's intention to maintain no more than 18 Full-time STR Licenses and 6 Resident STR Licenses in the Urban Residential (UR) Zone, 7 Full-time STR Licenses in the Suburban Residential (SR) Zone and no more than a total of 32 Full-time STR Licenses City-wide. When an STR license becomes available within one of those limits, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each type of STR License by zone as needed, of property owners who are interested in obtaining an STR License for their dwelling. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate type of license and zone. If the property meets the applicable location standards (§17.56.190.G (~~6.26.G~~)), that owner will have 45 days to submit a complete STR License application, along with any other associated license or permit applications (Use Permit, OWTS Operating Permit, etc.) that may be required. If the property owner does not obtain an STR License within 90 days, or if the property does not meet the applicable location standards, the City will draw another name from the waiting list for that zone and STR type.

17.56.190.F Maximum ~~n~~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 ~~L~~icenses shall be issued by the City if the total number of Full-time STR Licenses would exceed 18 in the UR Zone or ~~seven~~7 in the SR Zone, with no limit in other zones, except that no more than a total of 32 Full-time STRs shall be allowed within City limits at any one time. An additional ~~six~~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.

17.56.190.G Location.

STR's are permitted only in legally established dwelling units 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 shall be located where it shares a property boundary with a property containing another STR.

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.

17.56.190.H Number of STR Licenses ~~p~~Per ~~o~~Owner

No new STR License shall be issued for a property in the UR or SR Zones if the owner already holds another STR license in the UR or SR Zones unless there are fewer than the maximum number allowed pursuant to §17.56.190.F-~~(6.26.F)~~ and no other names on the wait lists. No more than a total of two Full-time STR licenses may be held by one property owner, regardless of the zone. These limitations shall not apply to renewals of existing STR licenses.

17.56.190.I Effect on ~~e~~Existing ~~Vacation Dwelling Units~~STRs.

Existing STRs, in excess of the number allowed in §17.56.190.F, or that do not meet the location requirements of §17.56.190.G-~~(6.26.G)~~, shall be allowed to continue to operate under an STR License as long as the permit-License is renewed in accordance with §17.56.190.E.3-~~(6.26.E.3)~~ unless or until such time as the permit-License is revoked pursuant to §17.56.190.R.4 ~~(6.26.R.4-Violations)~~ or 17.56.190.M.14 ~~(6.26.M.14-Minimum Activity)~~ or until the STR License expires pursuant to 17.56.190.J ~~(6.26.J-License Transferability)~~.

17.56.190. J License ~~t~~Transferability

An STR License is issued to a property owner for a single location. The STR License shall be revoked when the permit holder sells or transfers the real property which was rented pursuant to the STR License except as provided below. For purposes of this section, “sale or transfer” means any change of ownership during the lifetime of the license holder or after the death of the permit-License holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner’s death to a trust which benefits only a spouse for the spouse’s lifetime, or lifetime transfers between spouses. If the owner is a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, then “sale or transfer” shall mean a change in 50% or more of the shareholders or members or partners or beneficiaries. An STR License holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit-revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor’s death or the sale or transfer of his or her interest in the entity to another person, the ~~transient rental permit~~STR License held by the transferor shall be revoked.

17.56.190.K Homeshare STR Licenses

Homeshare STR Licenses allow owners, in their pPrimary residence, to rent up to one bedroom as an STR, and the owners must be present at night as host during STR use. Homeshare STRs are subject to all the provisions of this ~~ordinance~~ ~~(section)~~ except the following:

17.56.190-~~(6.26)~~.F Maximum nNumber of Short Term Rentals

17.56.190-~~(6.26)~~.G Location

17.56.190-~~(6.26)~~.H One STR License pPer oOwner

17.56.190-~~(6.26)~~.M.14 Minimum aActivity

17.56.190.L Resident STR Licenses

Resident STR Licenses only allow STR use up to 59 nights per year. Resident STRs are subject to all the provisions of this ~~ordinance~~ ~~(section)~~ except the following:

17.56.190-~~(6.26)~~.M.14 Minimum aActivity

17.56.190.M STR sStandards

All STRs will be required to meet the following standards:

1. Transmittal of ~~r~~Rules and Good Neighbor Contract

Prior to rental of an STR, the ~~r~~Responsible ~~p~~Person shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The ~~r~~Responsible ~~p~~Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their deposit and / or be evicted. In addition, the ~~p~~Property ~~m~~Manager, shall conduct a Meet and Greet in order to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR.

2. Noise.

Occupants of STR properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 p.m. and before 7:00 a.m. should be contained within the STR and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any City noise standards or ordinances.

3. Number of ~~o~~Occupants.

The maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented. Except that in the UR Zone, on lots less than 10,000 sq. ft. in area, the maximum occupancy is two people per bedroom (e.g. a two bedroom STR in the UR zone may have four occupants). In the SR Zone, if the STR has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

4. Visitors.

The number of visitors to an STR shall be limited to not more than the allowable occupancy -of the STR at any time. For example, if the maximum occupancy is ~~six~~6, then no more than ~~six~~6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

5. Guest ~~r~~Registry

The STR ~~m~~Manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names, and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

6. Off-~~s~~Street ~~p~~Parking.

An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section 17.56.190-~~(6-26)~~.M.3. The off-street parking space(s) shall be entirely on the STR property. -STRs shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license in good standing. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

7. Water ~~u~~Use.

To prevent overloading of septic systems, each STR shall be operated in a manner to ensure that the occupancy and use of an STR shall not result in annual domestic water use greater than that associated with the non-STR use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the STR License and application materials to allow for verification that the STR water use did not exceed allowable volumes as described above.

If the City determines that the STR use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the STR ~~m~~Manager shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the STR.

8. ~~s~~Septic System.

Each ~~p~~Property ~~m~~Manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each kitchen and bathroom in the STR.

9. Appearance and ~~v~~Visibility.

The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160-~~(6.16)~~). The STR shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

10. Signs.

A single sign, legible from the property's street frontage, and no greater than ~~three~~3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide the 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number for complaints, and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

11. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the STR.

12. Traffic.

Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. -What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

13. Tenancy.

The rental of an STR shall not be for less than two successive nights.

14. Minimum ~~a~~Activity.

A Full-time STR shall be rented for a minimum of 60 nights per year in order to maintain an STR License. If the STR ~~m~~Manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

15. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the ~~vacation rental~~STR in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Trinidad Volunteer Fire Department siren and real emergencies shall be included.

17.56.190.N Tourist ~~o~~Occupancy ~~t~~Tax.

The letting, leasing, or other contractual use of an STR is subject to a Tourist ~~o~~Occupancy ~~t~~Tax ("TOT") and any other mandated taxes. Each STR ~~m~~Manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190.O Audit & ~~i~~nspection

Each ~~p~~Property ~~m~~Manager shall provide access to each STR for inspection and any records related to the use and occupancy of the STR to the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this ~~s~~Section are being fulfilled.

17.56.190.P Dispute ~~r~~Resolution.

By accepting a STR License, STR owners agree to ~~r~~act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a STR, including engaging in mediation, at owners' expense. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190.Q Administrative ~~s~~Standards and ~~r~~Rules

The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this ~~s~~Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this ~~s~~Section. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the ~~o~~Office of the City Clerk and posted on the City's website.

17.56.190.L Violations

1. Penalty

It is unlawful to violate the provisions of this ~~s~~Section. Violations of this ~~s~~Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050-~~(7-20)~~ of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these STR regulations by way of nuisance abatement action pursuant to Chapter 8.12 of the ~~Municipal CodeTMC~~. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Fines

- (a) The City Manager shall be authorized to impose administrative penalties for the violation of any provision of this section ~~or ordinance~~ in an amount not to exceed a maximum of \$1000 per day for each continuing violation, except that the total administrative penalty shall not exceed \$100,000 exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.
- (b) In determining the amount of the administrative penalty, the City Manager may take any or all of the following factors into consideration:
 - (i) The duration of the violation;
 - (ii) The frequency, recurrence and number of violations, related or unrelated, by the same violator;
 - (iii) The seriousness of the violation;

- (iv) The effect the violation may have upon adjoining properties;
 - (v) The good faith efforts of the violator to come into compliance;
 - (vi) The economic impact of the penalty on the violator; and/or
 - (vii) The impact of the violation on the community.
- (c) In most cases, initial fines will start at \$200, with higher amounts reserved for exceptional situations like, repeated violations, failures to promptly correct violations, or deliberate violations of this Section.
- (d) Occupants shall be fined if they do not rectify the situation within 30 minutes after being contacted by the ~~Local~~ ~~contact~~ ~~person~~. Fines for violations by STR occupants shall be paid to the City by the ~~Property~~ ~~Manager~~.

3. Property ~~w~~atch ~~l~~ist

Upon a determination of good cause including but not limited to one or more significant violations, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the ~~p~~Property ~~w~~atch ~~l~~ist; (2) placement or imposition of special conditions or performance standards for ~~o~~wners, ~~o~~wner's ~~a~~gents, ~~l~~ocal ~~c~~ontact ~~p~~ersons, and their affected STRs on the ~~p~~Property ~~w~~atch ~~l~~ist; and (3) and removal of an STR from the ~~p~~Property ~~w~~atch ~~l~~ist.

4. Revocation

If the ~~p~~Property ~~m~~anager is deemed by the City Manager to be negligent in responding to a complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the STR License may be revoked. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the ~~l~~ocal ~~c~~ontact ~~p~~erson as set forth in the STR application. Revocation may be temporary or permanent depending on the nature and number of the violations.

5. Appeals

Appeals of City Manager determinations or decisions regarding violations, penalties and fines shall be appealable per ~~S~~ection 17.72.100-(7.14) except that such determinations and decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section 17.72.100.D-(7.14.D), fees for appeals of violation and penalty decisions shall be set by resolution of the City Council.

6. Complaints

Complaint as used in this subsection means the need or requirement to contact the ~~l~~ocal ~~c~~ontact ~~p~~erson to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk's office by the ~~l~~ocal ~~c~~ontact ~~p~~erson within two business days of being received; failure to do so is a violation of this ordinance.

7. Significant ~~v~~iolations

As used in this subsection, significant violation is a situation where the ~~l~~ocal ~~c~~ontact ~~p~~erson is either unable to unwilling to rectify the situation within 30 minutes, and / or when public safety personnel must be called to assist in resolving the situation, or that causes substantial disturbance to the neighbors or neighborhood.

Examples of significant violations include, but are not limited to:

- (i) Failure of the ~~l~~ocal ~~c~~ontact ~~p~~erson to respond to a complaint within 30 minutes.
- (ii) The inability of City staff or the Sheriff's Dispatch to reach ~~thea~~ local contact person.
- (iii) Failure of the ~~l~~ocal ~~c~~ontact ~~p~~erson to report two or more complaints to the City.

- (iv) Failure to maintain or provide the required guest registry.
- (v) Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H ~~(6.26.H)~~.
- (vi) Failure to notify City staff when the contact person or contact information changes.
- (vii) Failure to pay fees or TOT in accordance with this ~~s~~Section.
- (viii) Providing false or misleading information on an STR License application or other documentation as required by this ~~s~~Section.
- (ix) Violations of state or Humboldt County, or City health regulations
- (x) Repeated minor violations and / or complaints

Examples of acceptable documentation of significant violations include, but are not limited to:

- (i) Copies of citations, written warnings or other documentation filed by law enforcement.
- (ii) City file information.
- (iii) Advertisements for the STR
- (iv) Signed affidavits and / or photographic evidence from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.

The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this ~~s~~Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

7. False ~~r~~Reports and ~~c~~Complaints

It is unlawful to make a false report to law enforcement or City officials regarding activities associated with short term rentals.

17.56.190.S Ordinance ~~r~~Review

The ~~c~~is ~~S~~TR ~~O~~rdinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

17.56.190.T Severability

Should any subsection or provision of the ~~c~~is ~~S~~TR ~~O~~rdinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Chapter 17.58

REASONABLE ACCOMMODATION

Sections:

17.58.010 Purpose and intent.

17.58.020 Applicability.

17.58.030 Application requirements.

17.58.040 Review authority.

17.58.050 Findings.

17.58.060 Decision.

17.58.050 Appeal.

17.58.060 Notice to the public.

17.58.010 Purpose and ~~i~~ntent.

It is the policy of the City to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the California Fair Employment and Housing Act, the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to in this Section as the "Acts"). This Section provides a procedure for making requests for reasonable accommodations in land use, zoning and building regulations, policies, practices, and procedures of the City to comply fully with the purpose and intent of the Acts.

17.58.020 Applicability.

A. Eligible Applicants.

1. A request for reasonable accommodation may be made by any person with a disability, their representative, developer, or provider of housing for individuals with disabilities, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities for a person with a disability in accordance with the Acts.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment, as those terms are defined in the Acts.

B. Eligible Requests.

1. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
2. A request for reasonable accommodation shall comply with the requirements of this Chapter. Reasonable Accommodation requests shall not require approval of a Variance, but other permit requirements shall apply, including a coastal development permit as applicable.

17.58.030 - Application ~~r~~Requirements.

A. A request for reasonable accommodation shall be made on a form supplied by the City of Trinidad. The request shall include the following:

1. Payment of the fee established by resolution of the city council.
2. The applicant's or representative's name, mailing address and daytime phone number.
3. The address of the property for which the request is being made.
4. A site plan or illustrative drawing showing the proposed accommodation.
5. The specific code section, regulation, procedure or policy of the city from which relief is sought.

6. An explanation of why the specified code section, regulation, procedure or policy is preventing, or will prevent, the applicant's use and enjoyment of the subject property.
7. The basis for the claim that the Acts apply to the individual(s) and evidence satisfactory to the city supporting the claim. Evidence may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other relevant evidence.
8. A detailed explanation as to why the accommodation is reasonable and necessary to afford the applicant an equal opportunity to use and enjoy a dwelling in the city.
9. Other information required by the city to make the findings required by subsection 17.58.050 of this section consistent with the Acts.

B. A request for reasonable accommodation may be filed at any time the accommodation is deemed to be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires discretionary approval (e.g. design review, coastal development permit, etc.), the applicant shall provide the information required in Subsection A above together with the application for discretionary approval and shall pay all applicable fees. These materials shall enable the city to concurrently review the accommodation request and the discretionary approval request. Processing procedures for the discretionary approval request shall govern joint processing of both the reasonable accommodation and the discretionary permit.

C. Reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue or related to the requested accommodation.

D. If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure the process is accessible.

E. To the extent permitted by law, any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

17.58.040 – Review ~~a~~Authority.

A. A request for reasonable accommodation shall be reviewed, and a determination shall be made, by the Zoning Administrator if no approval is sought other than the request for reasonable accommodation.

B. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed and determined by the authority reviewing the discretionary land use application.

17.58.050 – Findings.

Written determination to grant or deny a request for reasonable accommodation shall be consistent with applicable federal and state law and based on consideration of the following findings:

A. The housing which is the subject of the request for reasonable accommodation will be occupied by an individual with disabilities protected under the Acts.

B. The requested accommodation is reasonable and necessary to make housing available to an individual with disabilities protected under the Acts.

C. The requested accommodation will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the subject property or be materially detrimental to the public welfare or injurious to property or improvements in the area.

D. There are no reasonable alternatives that would comply with applicable land use or zoning regulations, policies, procedures or practices that would provide an equivalent level of benefit to the disabled individual(s).

E. The reasonable accommodation will be constructed in a manner that is architecturally compatible with the subject property to the maximum extent feasible.

F. The requested accommodation will not impose an undue financial or administrative burden on the city, as defined in the Acts and interpretive case law.

G. The requested accommodation will not impede implementation of or require fundamental alteration of any City program, policy, or law, including but not limited to the general plan, zoning or building laws, and the Local Coastal Program.

H. The requested accommodation will not have significant adverse impacts on coastal resources.

17.58.60 – Decision.

A. It is the intent of this chapter that application review, decision making, and appeals proceed expeditiously, especially where the request is time sensitive, so as to reduce impediments to equal access to housing.

B. If no discretionary permit is associated with the reasonable accommodation request, the Zoning Administrator shall consider the application and issue a written determination within 45 calendar days of the date of receipt of a completed application. If a discretionary permit is associated with the request, the written determination will be issued within 7 calendar days of the end of the appeal period of the discretionary permit.

C. The review authority's written decision shall include findings and conditions of approval. The applicant shall be given notice of the right to appeal, and the right to request reasonable accommodation related to the appeal process. The review authority's decision shall be mailed to the applicant, to any person who provided written or verbal comment on the application, and to any other person who requests notice.

D. In granting a request for reasonable accommodation, the reviewing authority may impose reasonable conditions of approval necessary to ensure that the required findings can be met.

E. Reasonable accommodations shall be granted to individual residents and shall not run with the land unless it is determined that (1) the modification is physically integrated into the dwelling unit and cannot be readily removed or altered to comply with applicable codes; or (2) the accommodation will be utilized by another disabled person. Any change in use or circumstances that negates the basis for the grant of approval may render the reasonable accommodation null and void and/or revocable by the city. Thereafter the Zoning Administrator may require the reasonable accommodation to be removed or substantially conformed to the code if reasonably feasible.

F. Any nonconformity with land use or zoning regulations, policies, procedures, or practices which may be created as a result of approval of a reasonable accommodation request shall not be a basis for future development or redevelopment in reliance on that nonconformity.

17.58.070 - Appeal.

The written decision of the review authority shall be final unless appealed in compliance with Section 17.72.100 – Appeals.

17.58.080 – Notice to the ~~p~~Public.

The city shall provide notice advising those with disabilities or their representatives that reasonable accommodations are available in accordance with this chapter whenever requested to do so or if they reasonably believe individuals with disabilities or their representatives may be entitled to reasonable accommodation. Notice shall also be provided with application forms for planning or building permits.

Chapter 17.60

DESIGN REVIEW AND VIEW PRESERVATION

Sections:

- 17.60.010 Design ~~R~~review and view preservation regulations.
- 17.60.020 Purpose.
- 17.60.030 Approval required for construction.
- 17.60.040 Design criteria.
- 17.60.050 View protection criteria.
- 17.60.060 Review procedure.

17.60.010 Design ~~R~~review and view preservation regulations.

The following regulations in this chapter shall apply to all zones. [Ord. 84-180 § 3, 1984; Ord. 166 § 6.19, 1979].

17.60.020 Purpose.

The small scale of the community and its unique townscape, 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 Ceity. The ~~planning commission~~ Design Assistance Committee will review new developments to ensure their consistency with the character of the Ceity and minimize their impact on important vistas. [Ord. 2001-01 § 8, 2002; Ord. 84-180 § 3, 1984; Ord. 166 § 6.19, 1979].

17.60.030 Approval required for construction.

Relocation, construction, remodeling or additions to structures, and alterations of the natural contours of the land shall not be undertaken until approved by the ~~planning commission~~ Design Assistance Committee. Approval need not be obtained for remodeling that does not affect the external profile or appearance of an existing structure. Approval need not be required for exterior painting and maintenance, accessory structures of less than 500 square feet in floor area and ~~not~~ less than 15 feet in height, changes in landscaping, and site excavation or filling more than 100 feet from any perennial stream or the mean high tide line which will not change the existing elevation more than two feet at any point, and if exempt from a Ceostal ~~D~~evelopment ~~P~~ermit as specified in TMC 17.72.070 and pursuant to any applicable categorical exclusions. [Ord. 2001-01 § 8, 2002; Ord. 84-180 § 3, 1984; Ord. 166 § 6.19, 1979].

17.60.040 Design criteria.

The ~~planning commission~~ Design Assistance Committee shall be guided by the following criteria when evaluating land form alterations and construction of structure:

- A. The alterations 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.
- B. Structures in or adjacent to open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.
- C. 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 manmade surroundings. Preset architectural styles (e.g., standard fast food restaurant designs) shall be avoided.
- D. Plant materials should be used to integrate the manmade 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.
- E. On-premises signs should be designed as an integral part of the structure and should complement or enhance the appearance of the surrounding area.
- F. New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.

G. Off-premises signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should have a single design theme.

H. When reviewing the design of commercial or residential buildings, the ~~planning commission~~DAC 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:

1. Residences of more than 2,000 square feet in floor area and multiple-family dwellings or commercial buildings of more than 4,000 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.
2. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure. [Ord. 2001-01 § 8, 2002; Ord. 84-180 § 3, 1984; Ord. 166 § 6.19, 1979].

17.60.050 View protection criteria.

The ~~planning commission~~ 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:

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

B. Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subsection (C) of this section.

C. The ~~DAC~~ ~~planning commission~~ shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least 15 feet in height and 1,500 square feet in floor area; residences of greater height, as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subsection (B) of this section. Regardless of the height or floor area of the residence, the ~~planning commission~~DAC, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it ~~pre~~svents the least possible view obstruction.

D. If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.

E. The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within 100 feet of the Tsurai ~~S~~tudy ~~A~~area, as defined in the Trinidad ~~G~~eneral ~~P~~lan, 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. [Ord. 2001-01 § 8, 2002; Ord. 84-180 § 3, 1984; Ord. 166 § 6.19, 1979].

17.60.060 Review procedure.

The ~~planning commission~~ Design Assistance Committee shall prescribe application forms and information requirements for use by those proposing activities subject to design assistance review. If a ~~U~~se ~~P~~ermit, ~~C~~oastal ~~D~~evelopment ~~P~~ermit or other approval is required by the ~~P~~lanning ~~C~~ommission or ~~C~~ity ~~C~~ouncil, the review of the design shall be subsequent to other permit considerations and may occur at the same meeting, subject to fulfillment of public notification requirements. Otherwise the procedure for submittal and consideration of the application shall be the same as for a ~~U~~se ~~P~~ermit as provided in Chapters 17.68 through 17.76 TMC. Where view considerations are involved, the applicant is encouraged to contact property owners within 100 feet and show them the layout and profile of the proposed structure. The ~~planning commission~~DAC shall not approve any application unless it finds that all of the applicable criteria have been considered and the minimum adjustments required to

achieve the objectives applicable to the area where the development is located. [Ord. 2001-01 § 8, 2002; Ord. 84-180 § 3, 1984; Ord. 166 § 6.19, 1979].

Chapter 17.64

NONCONFORMING USES AND STRUCTURES

Sections:

- 17.64.010 Nonconforming uses and structures.
- 17.64.020 Nonconforming lots.
- 17.64.030 Nonconforming RV and mobilehome uses and parks.
- 17.64.040 Nonconforming off-street parking.
- 17.64.050 Underground utilities.
- 17.64.060 Land acquisition by public agency.

17.64.010 Nonconforming uses and structures.

The lawful use of lands or structures existing on the effective date of the regulations codified in this title, although such use or structure does not conform to the regulations applied to such property or structure, may be continued, except as provided as follows:

A. Any structure conforming as to use but not conforming as to lot area, yards, height or other requirements herein at the effective date of the ordinance codified in this title may be altered, repaired or extended; provided, that such alteration, repair, or extension shall not increase the existing degree of nonconformance.

B. If any nonconforming building is destroyed to the extent that the cost of repair, using new materials, exceeds 60 percent of the current value of the structure, then the building shall become subject to all regulations in the applicable zone except as provided in Chapter 17.60 TMC. The repair of a partially destroyed building shall commence within one year and an additional six months shall be allowed for the completion of the exterior of any reconstruction.

C. Any change of a nonconforming use shall be to a conforming use, and a nonconforming use which has been discontinued for a period of one year or more shall not be reestablished. A nonconforming use of a part of a lot or a structure shall not be extended throughout the lot or structure.

D. Any use for which a Use Permit is required by these regulations shall be considered a nonconforming use until a Use Permit is obtained.

E. Any signs existing on the effective date of the ordinance codified in this title, but not conforming to the provisions of this title, shall be permitted to continue for a period of three years from the effective date of the ordinance codified in this title and shall be removed or conformed on or before that date. Signs advertising a discontinued use shall be considered nonconforming and shall be removed within 30 days of the discontinuance. [Ord. 166 § 6.20, 1979].

17.64.020 Nonconforming lots.

If a lot was delineated on a recorded subdivision map, or was lawfully established as a separate lot on the effective date of the regulations codified in this title, and such lot does not conform to the minimum lot area of the zone in which it is located, it shall be considered a legal building site for uses permitted in the pertinent zone, even if the owner of ~~the said~~ lot has at any time owned land contiguous to ~~the said~~ lot, provided all other requirements of this title and other applicable City ordinances and standards can be satisfied. [Ord. 166, § 6.21, 1979].

17.64.030 Nonconforming RV and mobilehome uses and parks.

A. Recreational vehicles and mobilehomes used as a permanent residence, existing within the confines of a legally established recreational vehicle park or mobilehome park on the effective date of the ordinance codified in this title, may continue to be used as a permanent residence, provided the vehicle is at least 100 square feet in floor area, conforms to the pertinent state construction requirements, and contains at least 100 square feet of floor area per occupant. Recreational vehicles and mobilehomes existing on the date of the ordinance codified in this title that do not meet these requirements shall be discontinued as a permanent residence within one year of the date of the ordinance codified in this title.

B. Recreational vehicle parks and mobilehome parks existing on the date of the ordinance codified in this title that do not comply with the density or other regulations herein pertaining to such facilities shall be considered a legal nonconforming use, provided such facility shall in no way be altered so that it in any way increases its nonconformance. Any expansion of such facilities shall comply with all requirements herein stated. [Ord. 166 § 6.22, 1979].

17.64.040 Nonconforming off-street parking.

Off-street parking facilities existing at the time the ordinance codified in this title is adopted, incidental to a lawfully established use, but which are nonconforming as to the provisions of this title shall be considered the required off-street parking for that specific use. Any change in the use, the building, or the parking facilities shall be subject to the following provisions:

A. An existing parking facility, incidental to a lawfully established use, shall not be reduced in area or redesigned so that the facility is less in conformance with the provisions of this title in any respect, unless the end result is an equivalent number of off-street parking spaces, or the required number of parking spaces, whichever is the lesser, as required by this title.

B. If a building or use is expanded, parking as required by this title shall be provided for the expanded portion of the use. Any existing parking shall be retained, or be replaced by an equivalent number of off-street parking spaces, or the required number of spaces, whichever is the lesser, as required by this title. If the number of spaces required for the expansion is greater than the number required herein for the existing building, then any existing parking area shall be brought into conformance with the requirements of this title.

C. If the use of land or a building is changed to a use with a greater parking requirement, parking equal to the difference between the requirement for the existing and the proposed use, as contained herein, shall be provided in accordance with the provisions of this title. Existing parking shall be retained or be replaced by an equivalent number of off-street parking spaces, or the required number of spaces, whichever is the lesser, as provided by this title. [Ord. 166 § 6.23, 1979].

17.64.050 Underground utilities.

All utility connections, including telephone and electricity, for new buildings, shall be located underground in the ~~C~~ommercial, ~~P~~ublic and ~~R~~eligious, ~~P~~lanned ~~D~~evelopment, ~~V~~isitor ~~S~~ervices, ~~S~~pecial ~~E~~nvironment and ~~O~~pen ~~S~~pace zones, and undergrounding may be required by the ~~D~~esign ~~A~~ssistance ~~C~~ommittee in the ~~S~~uburban ~~R~~esidential and ~~U~~rban ~~R~~esidential zones when necessary to protect important scenic views from public vantage points. [Ord. 166 § 6.24, 1979].

17.64.060 Land acquisition by public agency.

A. A public agency considering the acquisition of land in the ~~C~~ity shall submit to the ~~C~~ity a report identifying the proposed acquisition area, existing site characteristics, proposed changes in use, proposed structures and improvements, and an assessment of environmental impacts or impacts on ~~C~~ity services and finances that could result from the proposed acquisition and development.

B. The report shall be reviewed by the ~~P~~lanning ~~C~~ommission and the ~~C~~ity ~~C~~ouncil. The ~~C~~ity ~~C~~ouncil shall submit written comments to the agency, indicating its concerns and preferences, within 30 days of report submittal. Upon written acknowledgment of receiving the ~~C~~ity's comments, the agency may proceed with the acquisition. The same review process shall apply when an agency intends to change the use or make facility changes on their lands. Until the zoning of acquired lands has been changed to permit the intended uses, public agencies shall not proceed with site improvements or use of the land. The ~~C~~ity shall not be obligated to provide public services when the use or development of public lands is inconsistent with the provisions of this title. [Ord. 166 § 6.25, 1979].

Chapter 17.68

AMENDMENTS

Sections:

- 17.68.010 Generally.
- 17.68.020 Initiation of amendments.
- 17.68.030 Amendment procedures.
- 17.68.040 Notification requirements for amendments.
- 17.68.050 Effective date of amendments and incorporation in Local Coastal Program.

17.68.010 Generally.

The Trinidad Zoning Ordinance, as adopted by the City Council, may be amended pursuant to the requirements of this chapter. [Ord. 166 § 7.01, 1979].

17.68.020 Initiation of amendments.

An amendment to the text of the Zoning Ordinance may be initiated by motion of the City Council on its own initiative, or by the Planning Commission on its own initiative. Amendment to the zoning map may be initiated by the owner of the subject property or authorized agent for the owner, or by the City Council on its own initiative, or by the Planning Commission on its own initiative. Any person authorized to undertake a public works project or proposing an energy facility development may initiate an amendment by requesting the City to amend this title if the purpose of the proposed amendment is to meet the public needs of an area greater than the City that had not been anticipated by the person making the request at the time the Trinidad General Plan was adopted. [Ord. 166 § 7.02, 1979].

17.68.030 Amendment procedures.

A. The filing of an application for an amendment to the Zoning Ordinance, the payment of fees, notice of hearing, and procedural requirements shall be as prescribed herein and in TMC 17.72.110, 17.72.120 and 17.72.130.

B. The Planning Commission or Hearings Officer shall hold a public hearing on proposed amendments to the Zoning Ordinance. At the public hearing the Planning Commission or Hearings Officer shall hear any person interested in the proposed amendment. The hearing may be continued from time to time. Within 40 days of the conclusion of the hearing, the Planning Commission or Hearings Officer shall submit to the City Council a written report of recommendations and reasons thereof, including the relationship of proposed zoning amendments to the General Plan. The Planning Commission or Hearings Officer shall not hold a hearing on a proposed amendment to the Zoning Ordinance less than two weeks after final City Council action on a related change in the General Plan.

C. If, after the hearing is closed, the Planning Commission or Hearings Officer recommends approval of the proposed amendment, the City Council, upon receipt of the report, shall set the matter for public hearing. The City Council may approve, modify or disapprove the recommendation of the Planning Commission or Hearings Officer; provided, that any modification proposed by the City Council not previously considered by the Planning Commission or Hearings Officer during their hearing shall first be referred to the Planning Commission or Hearings Officer for report and recommendation, but the Planning Commission or Hearings Officer shall not be required to hold a public hearing thereon. Failure to report within 40 days after the referral shall be deemed to be Planning Commission or Hearings Officer approval of the proposed modification.

D. If the Planning Commission or Hearings Officer has recommended against the adoption of an amendment, the City Council shall not be required to take any further action thereon unless an interested party shall request such hearing by filing a written request with the City Clerk within 10 working days after the Planning Commission or Hearings Officer files its recommendation with the City Council.

E. The City Council shall reach a decision not later than 40 days after the conclusion of the City Council hearing or not later than 40 days after the filing of a report, or the deadline for submitting such a report by the Planning Commission or the Hearings Officer on a referral from the City Council. Failure of the City Council to adopt the proposed amendment within the period set forth in this section shall be deemed to be a denial of such a proposed amendment. [Ord. 166 § 7.03, 1979].

17.68.040 Notification requirements for amendments.

In addition to notification required by TMC 17.72.130, notice of proposed amendments to the Trinidad ~~Z~~zoning ~~title~~ Ordinance shall be mailed to the California Coastal Commission and other interested public agencies and persons at least 10 working days prior to the date of the first public hearing before the ~~P~~planning ~~C~~commission. The ~~C~~city ~~C~~council shall not take final action on an amendment until at least six weeks after notice has been sent. [Ord. 166 § 7.04, 1979].

17.68.050 Effective date of amendments and incorporation in Local Ceoastal Pprogram.

Amendments to the ~~Z~~zoning ~~title~~ Ordinance shall take effect 30 days after ~~C~~city ~~C~~council adoption of the amending ordinance subject to certification by the Coastal Commission. The ~~C~~city ~~C~~clerk shall, within five working days of the adoption of the amending ordinance, forward a copy to the executive director of the California Coastal Commission. ~~Before the expiration of the 30-day period, the executive director shall notify the city in writing if the amendment needs to be certified as part of the Trinidad coastal program and whether the amendment is considered a major or minor amendment pursuant to the provisions of Section 30514(e) of the Coastal Act.~~ Amendments that are determined to be minor shall become part of the Trinidad Local Ceoastal Pprogram on the effective date of the ~~C~~city ordinance or the tenth working day following designation as a minor amendment, whichever occurs last. Major amendments, including any amendment that allows changes in uses, shall become part of the Trinidad Local Ceoastal Pprogram at the time the California Coastal Commission certifies the amendment as adopted by the ~~C~~city. If the Coastal Commission certifies the amendment subject to conditions or changes, the amendment shall not become part of the Trinidad Local Ceoastal Pprogram until by resolution the ~~C~~city ~~C~~council concurs in any conditions, or by ordinance adopts any changes and such ordinance has become effective. [Ord. 166 § 7.05, 1979].

Chapter 17.72

VARIANCES, CONDITIONAL USE PERMITS, COASTAL DEVELOPMENT PERMITS, AND DESIGN REVIEW

Sections:

- 17.72.010 Initiation of procedure.
- 17.72.020 Required hearings.
- 17.72.030 Variance findings.
- 17.72.040 Conditional Use Permit findings.
- 17.72.050 Imposition of conditions.
- 17.72.060 Effective dates.
- 17.72.070 Coastal Development Permits.
- 17.72.080 Emergency permits.
- 17.72.090 Revocations.
- 17.72.100 Appeals.
- 17.72.110 Application form.
- 17.72.120 Application fees.
- 17.72.130 Hearing notification.
- 17.72.140 Notice of final decision.
- 17.72.150 Costs of notification to interested persons.

17.72.010 Initiation of procedure.

The initiation of a Variance, Conditional Use Permit, Coastal Development Permit, or Design Review action, the filing of an application, the payment of fees, and notification of hearings shall be as specified in TMC 17.72.130. [Ord. 166 § 7.06, 1979].

17.72.020 Required hearings.

A. The Planning Commission or Hearings Officer shall consider all applications for Variations, and Conditional Use Permits, and Coastal Development Permits. The planning commission Design Assistance Committee shall consider all applications for Design Review.

B. At least one public hearing shall be held on each application for a Variance, Conditional Use Permit, Coastal Development Permit, or Design Review. Where a development involves applications for a combination of a Variance, Conditional Use Permit, Coastal Development Permit, or Design Review, the required hearings may be scheduled concurrently.

C. The hearing shall be scheduled for the first regular Planning Commission or Hearings Officer meeting occurring more than 10 days from the date of application. At the public hearing the Planning Commission or Hearings Officer shall hear any person interested in the proposal. The failure to act within 90 days of the date of the first hearing shall be deemed to be approval of the application on that date. The applicant may waive the time limitation in writing if additional time is needed to consider the application. [Ord. 2001-01 § 9, 2002; Ord. 166 § 7.07, 1979].

17.72.030 Variance findings.

A Variance may be granted only upon adoption of written findings showing that all of the following conditions are present:

- A. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class or district; and
- B. That owing to such exceptional or extraordinary circumstances the literal enforcement of specific provision of this title would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property; and

C. That such Variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties; and

D. That such Variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district; and

E. That the granting of such Variance will not be materially detrimental to the public welfare or materially injurious to the property or improvement in the vicinity; and

F. That the granting of such Variance will be consistent with the general purpose and intent of this title and will be in conformity with the policies and programs of the General Plan and the Trinidad Local Coastal Program; and

G. That the Variance will not permit a use other than a use permitted in the applicable zoning district; and

H. That either the Variance 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 Variance may have on the environment;

I. 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 the mean high tide line 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 landforms;
5. The development complies with shoreline erosion and geologic setback requirements. [Ord. 166 § 7.08, 1979].

17.72.040 Conditional Use Permit findings.

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 for, and compatible with, the neighborhood or the community; and

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 title, 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 Local Coastal Program; and

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; and

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 tide line 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 landforms;
5. The development complies with shoreline erosion and geologic setback requirements. [Ord. 166 § 7.09, 1979].

17.72.050 Imposition of conditions.

In granting a Variance, Conditional Use Permit, or Design Review, the Planning Commission, Hearings Officer, or Design Assistance Committee shall impose such conditions as deemed necessary to carry out the intent and purpose of this title. [Ord. 2001-01 § 9, 2002; Ord. 166 § 7.10, 1979].

17.72.060 Effective dates.

Planning Commission approval of a Variance or Conditional Use Permit and Design Assistance Committee approval of a Design Review application shall become final in 10 working days from the date "Notice of Action Taken" is received by the Coastal Commission, unless an appeal to the City Council has been taken within that time. Failure of the Planning Commission or Design Assistance Committee to act within the time limits established in the Public Resources Code Sections 65950 and 65957 shall be considered approval of the application on the date the time limitation expires, and the approval shall become final 10 working days after Coastal Commission notification unless appealed to the City Council. City Council action on an appeal shall become final 10 working days from the date the Coastal Commission receives the Notice of Action Taken and findings in support of the action are adopted. [Ord. 84-180 § 4, 1984; Ord. 175 § 3, 1981; Ord. 166 § 7.11, 1979].

17.72.070 Coastal Development Permits.

A. 1. In conformance with Public Resources Code Section 30600, in addition to any other approval or permit required under this title, and except as otherwise required under this title, and except as otherwise required by TMC Title 16, TMC 15.04.070, 15.16.100 or 16.16.140 or as specifically excluded in subsection (B) of this section, a Coastal Development Permit shall be required for any proposed use, building or other development as defined in California Public Resources Code Section 30106. Upon approval of all required Variations, Conditional Use Permits or Design Review for any proposed use or building, a Coastal Development Permit shall be deemed approved and shall take effect 10 working days after the Coastal Commission receives notification unless within that time the approval is appealed to the City Council.

2. If a Coastal Development Permit is appealed to the City Council, notice as prescribed in TMC 17.72.130 for a Conditional Use Permit shall be provided by the City Clerk to all interested persons and the Coastal Commission. Approval of Coastal Development Permit by the City Council on appeal shall become effective 10 working days after notice of approval and adoption of findings are received by the Coastal Commission. If a valid appeal is filed with the Coastal Commission within that time, the City approval shall be of no force and effect until the appeal has been decided by the Coastal Commission. Within five working days of receipt of notice from the Coastal Commission of the filing of a valid appeal, the City Clerk shall deliver to the Coastal Commission staff all relevant documents and materials used by the Planning Commission and City Council in their deliberations. Appeal of a Coastal Development Permit to the Coastal Commission shall be deemed valid if the appellant has exhausted all appeals as provided herein.

B. Except in the area identified in the map proposed as Appendix B, (~~A~~reas ~~N~~ot ~~I~~ncluded in ~~E~~xemptions to ~~C~~oastal ~~D~~evelopment ~~P~~ermits), the following categories of development shall not require a ~~C~~oastal ~~D~~evelopment ~~P~~ermit:

1. Construction of accessory structures or buildings of less than 500 square feet in floor area and less than 15 feet in height, changes in landscaping and site excavation or filling more than 100 feet from any perennial stream which will not change the existing elevation more than two feet at any point.
2. "Accessory structure or building" means a detached and subordinate building or structure other than a sign, the use of which is incidental to that of a main building or use on that lot. On any lot which is located a dwelling, any building or structure which is incidental to the conducting of any agricultural use.

C. The following categories of development shall not require a CDP except in the ~~S~~pecial ~~E~~nvironment zone:

1. a. Fences up to six feet and freestanding masonry walls up to 36 inches in height;
- b. Standard electrolier not over 35 feet in height above the finish grade;
- c. Temporary structures built in conjunction with special events;
2. Any construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any building or structure less than any of the following criteria:
 - a. Curbs, retaining walls and planter boxes up to 18 inches in height;
 - b. A small tool or storage cabinet with not more than 100 square feet of projected roof area. Multiple cabinets shall require approval. Lot line setbacks are to be observed;
 - c. Television and radio antennas supported on roofs;
 - d. Low decks, up to 30 inches high, which are not more than 500 square feet in area;
 - e. Decks inside fenced areas which are not visible from the street;
 - f. Hot tubs not involving an enclosing structure;
 - g. Minor remodeling or repair which does not alter the external profile of the structure. This includes:
 - i. Conversion of windows to sliding glass doors;
 - ii. Alteration in window size;
 - iii. Addition of a window where one does not currently exist;
 - iv. Addition of vinyl or aluminum external siding in the same color and character of the existing siding;
 - h. Existing porches up to 25 percent increase in area, not to include alterations of existing overhangs, or additions of overhangs;
 - i. Solar heating systems with fixed solar panels not to exceed 180 square feet in area;
3. Any excavation or fill or combination thereof, less than both of the following criteria:
 - a. One thousand square feet of surface area including the removal of ground cover. This does not include ground cover removed for agricultural or grading for road and trail maintenance purposes;
 - b. Fifty cubic yards of material. This shall not apply to any excavation or fill:

- i. Within an ~~O~~pen ~~S~~space or ~~S~~special ~~E~~nvironment zone as provided in this title, or outside of the stable area as indicated ~~o~~n ~~P~~late 3 of the ~~G~~eneral ~~P~~lan-map. This does not include ground cover removal for road and trail maintenance purposes;
 - ii. Within a public sewer, water main, storm drain or powerline easements;
 - iii. Which will encroach upon or alter in any way a drainage channel, tidal area watercourse, floodplain or area subject to inundation. This does not include the maintenance of existing ditches.
- D. The following types of projects are not development within the meaning of this section or California Public Resources Code Section 30106 and do not require a ~~C~~eoastal ~~D~~evelopment ~~P~~permit:

1. Exterior painting and maintenance;
2. Remodeling, which does not affect the external profile or appearance of the structure;
3. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance and which do not aggregate over \$2,000 in valuation in any 12-month period and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically excepted from permit requirements without limit to valuation are:
 - a. Painting and decorating;
 - b. Installation of floor covering;
 - c. Cabinet work;
 - d. Reroofing;
4. Awnings projecting not more than six feet attached to the exterior wall of buildings of Group R-3 or M occupancy. [Ord. 84-180 § 5, 1984; Ord. 175 § 4, 1981; Ord. 167 § 12, 1980; Ord. 166 § 7.12, 1979].

17.72.080 Emergency ~~P~~permits.

A. Emergency ~~C~~eoastal ~~D~~evelopment ~~P~~permits may be granted at the discretion of a local official designated by the ~~C~~eity for projects normally requiring a ~~C~~eoastal ~~D~~evelopment ~~P~~permit approval which must be undertaken as emergency measures to prevent loss of or damage to life, health or property, or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident.

B. Applications in cases of emergencies shall be made to the ~~C~~eity by letter if time allows, and by telephone or in person if time does not allow.

C. The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective or preventive work required to deal with the emergency; and
5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

D. The ~~C~~eity may request verification of the nature of and solutions to the emergency situation. Within 30 days of issuance of an emergency permit, the applicant shall submit a complete application for a ~~C~~eoastal ~~D~~evelopment ~~P~~permit and any required technical reports.

E. The emergency work authorized under approval of any Emergency Permit shall be limited to activities necessary to protect the endangered structure or essential public service. [Ord. 84-180 § 8, 1984].

17.72.090 Revocations.

In any case where the terms and conditions of a grant of a Variance, Conditional Use Permit, Coastal Development Permit, or Design Review are not complied with, the Planning Commission shall give notice to the holder of such permit of its intention to revoke such permit. Permits may also be revoked if the Planning Commission determines that the notification requirements in TMC 17.72.130 were not satisfied by the applicant. Procedures for the revocation of a permit shall be the same as for the original consideration except that the Ceity Clerk shall assume all notification responsibility. If a Coastal Development Permit has been appealed to, and approved by, the Coastal Commission, the Coastal Commission may also initiate revocation proceedings pursuant to the requirements of the Coastal Act. [Ord. 166 § 7.13, 1979].

17.72.100 Appeals.

In the case of any Variance, Conditional Use Permit, Design Review Permit, Coastal Development Permit, or denial of a proposed change in the Zoning Map by the Planning Commission, and in the case of any order, requirement, decision or other determination made by any Ceity employee, the procedures for appeals shall be provided as follows:

A. Administrative Actions Appealable. Any person aggrieved by a determination, interpretation, decision, decree, judgment, or similar action taken by a Ceity employee under the provisions of this title may appeal such action to the Planning Commission within 10 working days of being notified of the decision.

B. Planning Commission or Hearings Officer Actions Appealable. Actions or appellate determinations of the Planning Commission may be appealed to the Ceity Council by those interested persons who have communicated their comments at the Planning Commission or Hearings Officer hearing.

C. City Council Actions Appealable. Actions or appellate determinations of the Ceity Council representing the approval of a Coastal Development Permit pursuant to TMC 17.72.080 may be appealed to the Coastal Commission for the reasons cited, and if the subject property is located within the area described in Public Resources Code Section 30603. Requirements for appealing decisions shall be as provided in the Coastal Commission regulations.

D. Filing Requirements. Appeals to the Planning Commission, Hearings Officer or Ceity Council shall be addressed to the appellate body on a prescribed form and shall state the basis of the appeal. Appeals shall be filed in the office of the Ceity Clerk within the appeal period provided in TMC 17.72.060. There shall be no fee for filing an appeal. The Ceity Clerk shall determine from the records whether the appellant submitted comments on the issue being appealed to each previous appellate body. Only if such comments have been submitted shall an appeal be accepted, unless the appellant can demonstrate that there were valid reasons why he could not attend the hearings or submit written comments.

E. Notice of Hearing. A public hearing shall be conducted on all appeals. The notice and conduct of hearings by the appellate body shall be governed by the provisions of TMC 17.72.110, 17.72.120 and 17.72.130 and shall conform to the manner in which the original notice was given and the original hearings were conducted, if any.

F. Time Limitation and Vote. The Planning Commission, Hearings Officer or Ceity Council shall determine an appeal not later than 60 days following the date of the hearing. If both the applicant and the appellant consent in writing, the time limitation for a decision may be extended from time to time. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the appellate body.

G. Failure of Appellate Body to Act. Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.

H. Conditions and Findings. The appellate body may impose or prescribe conditions as are in its opinion necessary to serve the objectives of this title. The appellate body shall make a written determination of its decision together with its findings in support of the decision. [Ord. 166 § 7.14, 1979].

17.72.110 Application form.

Applications for ~~V~~ariance, ~~C~~onditional ~~U~~se ~~P~~ermit, ~~C~~oastal ~~D~~evelopment ~~P~~ermit, ~~D~~esign ~~R~~eview, and amendment to the ~~L~~and ~~U~~se ~~M~~ap or ~~Z~~oning ~~M~~ap shall be submitted to the ~~C~~eity ~~C~~lerk's office upon a prescribed form. Maps, drawings and such other information as specified on the application forms shall be provided in triplicate unless additional copies are specified herein. Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent, attesting to the truth and correctness of all facts, statements and information presented. [Ord. 166 § 7.15, 1979].

17.72.120 Application fees.

A. The ~~C~~eity ~~C~~ouncil shall by resolution establish a schedule of fees, charges and expenses for ~~V~~ariations, ~~C~~onditional ~~U~~se ~~P~~ermits, ~~D~~esign ~~R~~eview, ~~C~~oastal ~~D~~evelopment ~~P~~ermits and amendments to the ~~Z~~oning ~~M~~ap and other matters pertaining to this title. The schedule of fees may be changed or modified only by resolution of the ~~C~~eity ~~C~~ouncil.

B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, or other matters for which a fee, charge or payment of expense is required by this title or the fee schedule resolution adopted pursuant thereto.

C. Any municipal, political or governmental corporation, district body, or agency is exempted from payment of any fee or charge in connection with an application for any ~~V~~ariance, ~~C~~onditional ~~U~~se ~~P~~ermit, ~~D~~esign ~~R~~eview, ~~C~~oastal ~~D~~evelopment ~~P~~ermit, appeal or ~~Z~~oning ~~title-Ordinance~~ amendment.

D. No fee, charge or expense shall be refundable except in any case where the ~~P~~lanning ~~C~~ommission or ~~H~~earings ~~O~~fficer determines and certifies any such fee or portion thereof has been received in error, in which case the amount received in error may be refunded. [Ord. 166 § 7.16, 1979].

17.72.130 Hearing notification.

A. For actions initiated by one or more property owners for a ~~C~~oastal ~~D~~evelopment ~~P~~ermit, ~~V~~ariance, ~~C~~onditional ~~U~~se, ~~D~~esign ~~R~~eview or ~~Z~~oning ~~M~~ap amendment, the following notification shall be required:

1. a. The applicant shall furnish to the ~~C~~eity ~~C~~lerk one stamped envelope addressed to the owner of each parcel of record within 100 feet of each boundary of the subject property for ~~V~~ariance, ~~C~~onditional ~~U~~se, ~~C~~oastal ~~D~~evelopment ~~P~~ermit, or ~~D~~esign ~~R~~eview applications and within 300 feet of each boundary for amendments to the ~~Z~~oning ~~M~~ap.

b. The envelopes may be addressed to "owner" at the mailing address of the parcel. The applicant shall ascertain the name and address of the owner from the records of the ~~C~~ounty ~~A~~ssessor. The ~~C~~eity ~~C~~lerk shall use the envelopes to mail notice of the hearing at least seven days before the date of the hearing for a ~~V~~ariance, ~~C~~onditional ~~U~~se ~~P~~ermit, ~~C~~oastal ~~D~~evelopment ~~P~~ermit, or ~~D~~esign ~~R~~eview, and at least 10 working days before the date of a hearing on a ~~Z~~oning ~~M~~ap amendment.

c. The notice shall indicate that an application has been filed, the number assigned to the application, a description of the development and its proposed location, and the date, time, and place of the hearing. In addition to mailing notice to all those for whom envelopes have been provided, the ~~C~~eity ~~C~~lerk shall provide notice to the applicant and to all persons known or thought by the ~~C~~lerk to have a particular interest in the application, including the Coastal Commission staff.

2. Between the time the application is accepted for filing and the date when notices must be mailed, the applicant must post a notice, at a conspicuous place, easily read by the public and as close as possible to the subject property. The ~~C~~eity shall furnish the applicant with a standardized form to be used for such posting. In addition, the applicant shall at the same time obtain copies of the hearing notice from the ~~C~~eity ~~C~~lerk and shall distribute one to each place of business or residence in the notification area. If the applicant fails to so post the notice form, distribute notices, or to sign the declaration of posting and distribution no less than seven days prior to a ~~V~~ariance, ~~C~~onditional ~~U~~se, ~~C~~oastal ~~D~~evelopment ~~P~~ermit, or ~~D~~esign ~~R~~eview hearing, and at least 10 working days prior to a ~~Z~~oning ~~title-Ordinance~~ amendment hearing, or it is determined that the application is incomplete, the ~~C~~eity ~~C~~lerk shall withdraw the application from consideration and shall not mail out the hearing notices.

B. For actions initiated by the ~~P~~lanning ~~C~~ommission or ~~C~~eity ~~C~~ouncil, the ~~C~~eity ~~C~~lerk shall provide notice as prescribed above and shall post notice of the time, place and purpose of the public hearing for 10 days in three conspicuous public places, to wit, the entrance to City Hall, Trinidad Post Office, and Trinidad Market; provided, however, that if the size of the subject area would require mailing notice to more than 50 property owners such notice may be inserted in the water bill mailing. The ~~C~~eity ~~C~~lerk shall place in the file a written declaration of the means of notification used and certification of the date notification was mailed or posted. Other means of notification, in addition to that required herein, may be used by the ~~P~~lanning ~~C~~ommission if deemed advisable. [Ord. 2001-01 § 9, 2002; Ord. 166 § 7.17, 1979].

17.72.140 Notice of final decision.

A. This section shall not apply to action on any development which is executed pursuant to TMC 17.20.070(B).

B. Within seven calendar days of a final action on any ~~C~~oastal ~~D~~evelopment ~~P~~ermit the ~~C~~eity ~~C~~lerk shall provide notice of its action by first class mail to the Coastal Commission and to any person who specifically requested such notice pursuant to TMC 17.72.150. Such notice shall include conditions of approval, written findings, a location and description of the project, and the procedures for appeal of the local decision to the Coastal Commission.

C. If the ~~C~~eity has failed to take a final action on any ~~C~~oastal ~~D~~evelopment ~~P~~ermit within the time limits set forth in Government Code Sections 65950 through 65957, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 through 65957 shall notify in writing the ~~C~~eity ~~C~~lerk and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

D. If the ~~C~~eity ~~C~~ouncil determines that the time limits established pursuant to Government Code Sections 65950 through 65957 have expired, the ~~C~~eity ~~C~~lerk shall, within seven calendar days of such determination, notify any person entitled to receive notice pursuant to subsection (B) of this section that it has taken final action by operation of law pursuant to Government Code Sections 65950 through 65957. The appeal period for developments approved by operation of law shall begin to run only upon the receipt of the ~~C~~eity's notice in the Coastal Commission office. (This section shall also apply to any judicial determination that the development has been approved by operation of law.) [Ord. 167 § 13, 1980].

17.72.150 Costs of notification to interested persons.

Interested persons who wish to be notified of ~~P~~lanning ~~C~~ommission, ~~H~~earings ~~O~~fficer and ~~C~~eity ~~C~~ouncil hearings shall be sent such notice if they provide the ~~C~~eity with a deposit to cover such costs. [Ord. 166 § 7.18, 1979].

Chapter 17.76

ENFORCEMENT – VIOLATION – PENALTIES

Sections:

- 17.76.010 Previously issued permits.
- 17.76.020 Enforcement.
- 17.76.030 Conflict with other regulations and private agreements.
- 17.76.040 Public nuisance.
- 17.76.050 Penalties.

17.76.010 Previously issued permits.

Except as specifically herein provided, it is not intended by this title to impair or interfere with any permits previously adopted or issued relating to the erection, construction, establishment, moving, alteration or enlargement of any buildings or improvements. [Ord. 166 § 7.23, 1979].

17.76.020 Enforcement.

All employees of the Ccity vested with the duty or authority to issue permits shall conform to the provisions of this title and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of this title; and any such permits, certificates or licenses issued in conflict with the provisions of this title shall be null and void. It shall be the duty of the Building Inspector ~~city engineer~~ to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. (Ord: 166 § 7.19, 1979].

~~**17.76.030 Conflict with other regulations and private agreements.**~~

~~Where conflict occurs between the provisions of this title and the building code or other regulations effective within the city, the more restrictive of any such regulations shall apply. It is not intended that this title shall interfere with or abrogate or annul any easements, covenants, or other agreements not in effect; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises than are imposed or required by such agreements, the provisions of this title shall control. [Ord. 166 § 7.22, 1979].~~

17.76.040 Public nuisance.

No person shall violate any provision or fail to comply with any of the requirements of this title. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title and/or any use of property contrary to the provisions of this title shall be, and the same is declared to be, unlawful and a public nuisance, subject to the Ccity's nuisance abatement procedures and penalties set forth in Chapter 8.12 TMC. [Ord. 2004-04, 2004; Ord. 166 § 7.21, 1979].

17.76.050 Penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this title shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the county jail of the County of Humboldt for a term not exceeding five months, or both. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm, or corporation and shall be punishable as herein provided. [Ord. 166 § 7.20, 1979].

PASSED AND ADOPTED by the City Council of the City of Trinidad, State of California, on **Tuesday, January 9, 2024**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Attest:

Gabriel Adams
Trinidad City Clerk

Cheryl Kelly
Mayor

First Reading of Ordinance 2024-01: Tuesday, January 9, 2024

Second Reading of Ordinance 2024-01: Tuesday, February 13, 2024



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION ATTACHED

2. Introduction/First Reading of Ordinance 2024-02; Correcting and reaffirming codification of the City of Trinidad Zoning Ordinance

DISCUSSION AGENDA ITEM

January 9, 2024

Item: Update of the Zoning Ordinance as Certified by the CA Coastal Commission

The City first codified its ordinances in 1990 with an update and creation of an online code in 2012. The ordinance codification process refers to the systematic and organized method of compiling and consolidating local laws, regulations, and ordinances into a comprehensive and consistent legal code. The City is currently working on another update to the Trinidad Municipal Code.

The codification process changes the numbering of the regulations as well as some of the verbiage and formatting. The changes that were made to the zoning ordinance as part of the codification process were never certified by the Coastal Commission. Therefore, the Coastal Commission does not recognize the City's numbering of its ordinances. And so, in the past, such as with the STR ordinance, the City included both numbering systems in the new ordinance/amendment to allow for certification by the Coastal Commission.

The City has recently been working on several housing related zoning ordinance amendments. These amendments add and update quite a few definitions and various sections of the zoning ordinance. The use of two numbering systems was becoming unwieldy. This is particularly true for the definitions, which are unnumbered in an appendix to the original ordinance, leaving no easy way to refer to individual definitions. Therefore, it was decided that the City should go ahead and get the codified version of the zoning ordinance certified by the Coastal Commission to facilitate current and planned amendments.

This version of the ordinance uses track changes to show the modifications that were made to the certified ordinance(s) as part of the codification process. These changes include corrections and minor updates made as part of the codification ordinance, which generally do not change the meaning or application of the regulations. Some of the modifications made in the codification process were reverted back to the original, certified version. Those are not shown in track change in Ordinance 2024-01 but are shown in Ordinance 2024-02. Several corrections and clarifications have been made to the codified ordinance as part of the next item, and those changes have been incorporated into this version for certification by the Coastal Commission. Note that deletions and insertions are made in red text with single underlines and strikethroughs. Moved text is shown in green with double underlines and strikethroughs.

The track changes also show language that was previously amended by City ordinance but never submitted to the Coastal Commission for certification. The City is reaffirming (and correcting) some of those amendments as part of the adoption of this ordinance to ensure that procedural requirements for a Local Coastal Program amendment are met. The uncertified ordinance changes are summarized below.

Ordinance 97-3 §1, 1997, added “*professional civil engineer with expertise in soils or foundation engineering, or by a certified*” between registered geologist or engineering geologist in the following sections: 17.16.060, 17.20.130, 17.28.090, 17.28.090, 17.32.090

Ordinance 2001-01, 2002

As some background, prior to ordinance 2001-01, the Design Assistance Committee (DAC), as defined in § 17.60.020, consisted of the Planning Commission plus one member of the City Council. However, in practice, decisions were made by the Planning Commission alone. The DAC as defined would have consisted of an even number of members, potentially resulting in tie votes. And should there be an appeal, the City Council member of the DAC would have to recuse themselves, leaving only four City Council members to vote on the appeal.

- Various sections of the ordinance replaced “design assistance committee” or “committee” with “planning commission” throughout the ordinance. However, Coastal Commission staff pointed out that the general plan, which is also certified as part of the LCP talks about the DAC as being responsible for design review. So, this change would have required a general plan amendment was well to maintain consistency. In addition, many communities have a separate DAC, and this way, the City Council will have the option of changing the make-up of the DAC in the future if desired.
- §5 also added “Unless modified by the planning commission as provided in Chapter 17.60 TMC,” to the minimum yard sections of the UR zone (§ 17.32.060), because the design review findings allow exceptions to setbacks in order to protect views as part of the design review process.
- §8 removed the definition of the design assistance committee (§ 17.60.020), but a new definition, defining the DAC as the Planning Commission, was added to Chapter 17.08 as part of the codification update ordinance.
- §9 revised hearing notification to post for 10 days in three public places rather than in a newspaper 10 days prior to the hearing (§ 17.72.130.B)

Ordinance 2004-04, 2004 (Nuisance Abatement Ordinance) modified §17.76.040 to more simply refer to the nuisance abatement procedures to resolve violations of the zoning ordinance.

Other updates and corrections include:

- The ordinance was reorganized from articles to chapters with new sections lists and headings and introductory phrases as part of the codification. Each zone was given its own chapter. And the regulations for nonconforming uses and structures and design review/view protection were also given their own chapters, as were the regulations for amendments and enforcement/penalties.

- Brought the language regarding conflicting regulations (§ 4.01 and § 7.22) into the general provisions chapter (17.04).
- Each definition from Appendix A (and definitions found elsewhere in the ordinance) were given their own sections in a new Chapter 17.08.
- Deleted § 2.03, because there is no longer an Appendix A; all of those definitions have been incorporated into Chapter 17.08.
- Took the definitions of “City Council,” “planning commission,” and “hearings officer” out of the definition of “City” (§ 2.01) and gave them their own sections.
- The definitions for STR and City Manager from the STR ordinance (§ 17.56.190) were brought into the definitions chapter (17.08), so they apply to the entire zoning ordinance.
- A definition for TMC (Trinidad Municipal Code) was added, since it was not defined anywhere, but used throughout the codified ordinance.
- Added a new definition for Design Assistance Committee (DAC) in Chapter 17.08.
- Updated the definition of “development” to be consistent with the Coastal Act (§ 17.08.200)
- Capitalization was made consistent within and between the codified and certified ordinances.
- Several references to state laws and regulations (e.g. Public Resources Code) were updated.
- Changed SR to UR in § 17.32.090 as that is the correct reference for that chapter.
- Corrected the code reference in § 17.56.070.E.3.
- Updated CA Dept. of Fish and Game to Fish and Wildlife in § 17.56.140.
- Clarified code references in § 17.56.150 and added “Coastal” to differentiate “Commission” from the Trinidad Planning Commission.
- Updated § 17.56.160.A.7 to refer to STRs instead of VDUs and the correct section. This subsection was added by the first VDU ordinance but was not updated in subsequent amendments.
- Updated § 17.56.180.B.9 same as above (STR v. VDU ordinance).
- Changed “prevents” to “presents” in the last sentence of § 17.60.050.C. This was either a typo or an erroneous “correction” in the codification process.
- Amended § 17.68.050 at the request of Coastal Commission staff. The Addition of “subject to certification by the Coastal Commission” is intended to prevent codification of uncertified ordinances as had happened in the past. And a sentence was deleted because there is no such process in the Coastal Act.

- Added "Coastal Development Permit" to the list of permits in several sections (e.g. §§ 17.56.150, 17.72.020, 17.72.130, and more); the ordinance was written without a separate process for CDPs, because § 17.72.070.A.1 states that a CDP will be deemed to be issued upon approval of other types of permits. However, we have had situations come up where only a CDP is required. This issue will be further addressed in the comprehensive update.
- Added "Coastal" before "Commission" in § 17.72.140 to differentiate it from the Planning Commission.
- Changed city engineer to Building Inspector in § 17.76.020 as the more appropriate enforcement official.
- "Coastal Development Permits" were added to sections that referenced regulations that apply to several different permits (e.g. Variances, Use Permits, Design Review).

Attachments

Zoning Ordinance Certification Update Amendment

Recommended Action:

Approve the first reading of Ordinance 2024-01

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

CHERYL KELLY, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF TRINIDAD

**UPDATING THE COASTAL COMMISSION CERTIFIED VERSION OF THE
CITY OF TRINIDAD ZONING ORDINANCE (TITLE 17 OF THE TRINIDAD
MUNICIPAL CODE) FOR CONSISTENCY WITH THE CODIFIED VERSION
OF THE ZONING ORDINANCE AND REAFFIRMING AND CORRECTING
AMENDMENTS THERETO MADE PRIOR TO 2023 THAT WERE NOT
SUBMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR
CERTIFICATION**

Section 1. Amendment of Title 17 of the Trinidad Municipal Code

Title 17 shall be amended to read as follows:

ZONING ORDINANCE

of the

CITY OF TRINIDAD

TRINIDAD ZONING ORDINANCE
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Title 17

ZONING

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17.12 Establishment and Designation of Zones

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Chapter 17.04

GENERAL PROVISIONS

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17.04.010 Adoption.

17.04.020 Short title.

17.04.030 Purpose.

17.04.040 Conformity with General Plan.

17.04.050 Conflict of regulations.

Article 1. Adoption, Title, Purpose and General Plan Conformity

17.04.010~~Sec. 1.01~~ **Adoption.**

A. There is ~~hereby~~ adopted a zoning ordinance ~~for of~~ the City ~~of Trinidad, State of California,~~ as provided by Title ~~Seven~~7 of the Government Code of the State of California. ~~The~~is ordinance codified in this title constitutes a precise plan for the use of land in conformity with the ~~G~~general ~~P~~plan and ~~G~~general ~~P~~plan standards.

B. The provisions of this ~~ordinance~~title shall apply to all lands and waters and all owners of lands and waters within all the incorporated areas of the City ~~of Trinidad.~~

17.04.020~~Sec. 1.02~~ **Title**~~Short title.~~

This ~~ordinance~~title shall be known and cited as the “Zoning Ordinance of the City of Trinidad.”

17.04.030~~Sec. 1.03~~ **Purpose.**

This ~~ordinance~~title is adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, to provide a plan for sound and orderly development and to ensure social and economic stability within the various zones hereby established. In addition, it is the purpose of this ~~ordinance~~title to implement the policies and programs of the Trinidad General Plan.

17.04.040~~Sec. 1.04~~ **General Plan Conformity** with the General Plan.

~~The Trinidad Zoning Ordinance~~This title is based on, and is intended to be consistent with, the policies, programs and land use designations of the Trinidad General Plan. If the Trinidad General Plan is amended and is no longer consistent with this ~~ordinance, the Zoning Ordinance~~title, this title shall be amended so it is consistent with the Trinidad ~~G~~general ~~P~~plan as amended. Any amendments to ~~the Zoning Ordinance~~this title adopted by the City Council shall be consistent with the policies, programs and land use designations of the Trinidad General Plan.

17.04.050~~Sec. 4.01~~ **Conflict of r**Regulations

A. In addition to the regulations specified in ~~this article~~Chapters 17.16 through 17.48 of this title for each of the principal zones, the ~~general~~regulations set forth in ~~Article 6~~Chapters 17.56 through 17.64 TMC shall be applicable to each and every such zone. In the event of conflict between the particular regulations set forth in ~~this article~~title and the ~~general~~regulations set forth in ~~Article 6~~Chapters 17.56 through 17.64 TMC, the ~~general~~regulations of ~~Article 6~~Chapters 17.56 through 17.64 TMC shall apply.

~~Sec. 7.22~~ **Conflict with other regulations and private agreements.**

B. Where conflict occurs between the provisions of this ~~ordinance~~title and the ~~B~~building ~~C~~code or other regulations effective within the ~~C~~city, the more restrictive of any such regulations shall apply. It is not intended that this title shall interfere with or abrogate or annul any easements, covenants, or other agreements not in effect, provided, however, that where this ordinancetitle imposes a greater restriction upon the use of buildings or premises than are imposed or required by such agreements, the provisions of this ordinancetitle shall control.

Article 2. Definitions

Chapter 17.08

DEFINITIONS

Sections:

- 17.08.010 Meaning of certain words.
- 17.08.020 Advertising area.
- 17.08.030 Aggrieved person.
- 17.08.040 Agriculture.
- 17.08.050 Bluff.
- 17.08.060 Building.
- 17.08.070 Building, accessory.
- 17.08.080 Building Inspector.
- 17.08.090 Campground.
- 17.08.100 City.
- 17.08.110 City Clerk.
- 17.08.112 City Council
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- 17.08.120 Coastal Commission.
- 17.08.130 Coastal Development Permit.
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17.08.580 Rest home.
17.08.590 Servants' quarters.
17.08.600 Services, personal and professional.
17.08.605 Short Term Rental (STR)
17.08.610 Sign.
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17.08.650 Sign, on-premises.
17.08.660 Story.
17.08.670 Street.
17.08.680 Structure.
17.08.690 Structure, accessory.
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17.08.700 Use.
17.08.710 Use, accessory.
17.08.720 Use, principal permitted.
17.08.730 Yard.
17.08.740 Yard, front.
17.08.750 Yard, rear.
17.08.760 Yard, side.
17.08.770 Zone.

~~Sec. 2.01. City, City Council, etc.~~

~~“City” means the City of Trinidad; “city council” shall mean the city council of Trinidad; “planning commission” shall mean the planning commission of the City of Trinidad or a Hearings Officer appointed by the City Council if said officer is acting in the Commission’s stead. “Design assistance committee” shall mean the design assistance committee of the City of Trinidad, “building inspector” shall mean the building inspector of the City of Trinidad, “city clerk” shall mean the city clerk of the City of Trinidad.~~

~~Sec. 2.02-17.08.010~~ Meaning of ~~c~~Certain ~~w~~Words

Unless the context otherwise requires, the definitions set forth or otherwise provided for in this ~~article~~chapter shall be used in the interpretation and construction of this ~~ordinance~~title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure,” and the word “shall” is mandatory.

Sec. 2.03. Other Definitions

~~The definitions included in Appendix A of this ordinance shall constitute supplementary definitions to be used in the interpretation and construction of this ordinance title.~~

17.08.020 Advertising area.

~~The~~“Advertising area” means the total number of square feet within the boundaries of a parallelogram or triangle which encloses the message, word, symbol, design, picture or visual medium visible on the surface of any sign. For signs where the letters of a word are each located on separate surfaces facing in the same direction the advertising area shall be the total number of square feet within the boundary of separate parallelograms enclosing each letter. Where a sign includes surfaces facing in different directions the advertising area shall be the largest total of advertising area visible from any one direction and in the case of a cylindrical and spherical shaped sign the advertising area shall be the largest cross-section thereof.

17.08.030 Aggrieved person.

~~Any~~“Aggrieved person” means any person who, in person or through a representative, appears at a public hearing of the City of Trinidad in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informs the City of Trinidad of the nature of his concerns or who for good cause is unable to do either. “Aggrieved person” includes the applicant for a permit.

17.08.040 Agriculture.

~~The~~“Agriculture” means the tilling of the soil, the raising of crops, horticulture, vitaculture, small livestock farming, dairying, and/or animal husbandry, including all uses customarily incidental thereto but not including ~~slaughter-houses~~slaughterhouses, fertilizer yards, bone yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust, or fumes.

17.08.050 Bluff.

~~A~~“Bluff” means a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass. The bluff may be simple planar or curved surface or it may be steplike in section. For the purposes of this ~~ordinancetitle~~, “bluff” is limited to those features having vertical relief of ~~ten~~10 feet or more. “Bluff edge” is the upper termination of a bluff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the edge shall be defined as that point nearest the bluff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to the bluff edge.

17.08.060 Building.

~~Any~~“Building” means any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal, or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each portion shall be deemed to be a separate building.

17.08.070 Building, accessory.

~~A~~“Accessory building” means a subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling, any building which is incidental to the conducting of any agricultural use shall be deemed an accessory building.

~~2.04~~**17.08.080 Building Inspector.**

~~B~~“Building Inspector” means the ~~B~~building Inspector of the ~~C~~city of Trinidad.

17.08.090 Campground.

~~A~~“Campground” means a lot on which two or more recreational vehicles or tents are parked or located and used for sleeping or eating purposes.

2.0417.08.100 City.

“City” means the City of Trinidad.

2.0417.08.110 City Clerk.

“Ceity Clerk” means the Ceity Clerk of the Ceity of Trinidad.

2.0417.08.112 City Council

“Ceity Council” means the Ceity Council of the City of Trinidad.

17.08.114~~1~~ City Manager

“City Manager” means the City Manager of the City of Trinidad or their designee.

17.08.120 Coastal Commission.

“Coastal Commission” means the California Coastal Commission as established in the California Coastal Act of 1976.

17.08.130 Coastal Development Permit.

“Coastal Development Permit” means a permit for any development within the Coastal Zone that is required pursuant to Section 30600(a) of the California Coastal Act of 1976.

17.08.140 Coastal Zone.

~~That~~“Coastal Zone” means that land and water area of the State of California in the city limits of the City of Trinidad, specified on the maps identified and set forth in Section 17 of the California Coastal Act of 1976.

17.08.150 Condominium.

~~An~~“Condominium” means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in a space in a residential, industrial or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property.

17.08.160 Day ~~c~~Care ~~c~~Center.

~~Any~~“Day care center” means any type of group child day care program, including nurseries of children of working mothers; nursery schools for children under minimum age for education in public schools; privately conducted kindergartens when not part of a public or parochial school; programs covering after-school care for school children; all of which must be conducted in accordance with ~~s~~State of California and local requirements and shall not accommodate more than five (~~5~~) children.

17.08.170 DBH.

~~The~~“DBH” means the diameter at breast height of a tree as computed by a licensed forester.

17.08.180 Density.

~~The~~“Density” means the total number of square feet in a lot divided by the number of dwelling units located on the lot.

2.0417.08.182 Design Assistance Committee

“Design ~~A~~ssistance ~~C~~ommittee” or DAC shall mean the design assistance committee of the ~~c~~City of Trinidad. The DAC shall consist of the Planning Commission or an alternative committee consisting of no fewer than three residents of the City if appointed by majority vote of the City Council.

17.08.200 Development.

~~On~~“Development” means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with

the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511) , or as currently defined in Public Resources Code Section 30106.

17.08.210 Duplex.

A“Duplex” means a freestanding building designed for and/or occupied by two families living independently of each other and with individual and separate cooking facilities.

17.08.220 Dwelling, ~~m~~Multi-~~F~~family.

A“Multifamily dwelling” means a building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, but not including transient accommodations.

17.08.230 Dwelling, ~~s~~Single-~~f~~Family.

A“Single-family dwelling” means a freestanding building designed for and/or occupied exclusively by one family to include mobilehomes on a foundation which conform to the National Mobile Home Construction and Safety Standards Act of 1974 and Chapter 29 of the UBC, 1979 Edition.

17.08.240 Dwelling, ~~t~~Townhouse.

A“Townhouse dwelling” means a dwelling unit with a ground level story located in a building which includes two or more such dwelling units and each dwelling unit, together with the underlying lot, is owned separately from any other dwelling unit and lot.

17.08.250 Dwelling ~~u~~Unit.

One“Dwelling unit” means one room, or a suite of two-~~(2)~~ or more rooms in a building designed for, intended for, or used by one family, which family lives, sleeps and cooks therein and which unit has one kitchen or kitchenette.

17.08.260 Emergency.

“Emergency” means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

17.08.265 Emergency ~~s~~Shelter.

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months of less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

17.08.270 Family.

One“Family” means one person~~s~~, or two or more persons~~-related by blood, marriage, or adoption; or~~ a group not in excess of five~~-unrelated~~ persons living together as a single housekeeping unit.

17.08.280 Feasible.

Capable“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

17.08.290 Fence.

A“Fence” means a masonry wall, or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of screening, enclosing space or separating parcels of land, but not including retaining walls.

17.08.300 Fill.

Earth“Fill” means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed on any lands, including submerged areas.

17.08.310 Floor ~~a~~Area, ~~g~~Gross.

~~The~~“Gross floor area” means ~~the~~ enclosed area of a building measured from an exterior surface to exterior surface, but excluding the following: exterior balconies and galleries covered but not enclosed; patios, ~~atriums~~, ~~atria~~ and the like if not covered; common use areas for all tenants; garages and carports; major mechanical equipment rooms.

17.08.320 General Plan.

~~The~~“General Plan” means ~~the~~ Trinidad General Plan, as amended, including the Seismic Safety, Public Safety, Noise and Scenic Highway Elements adopted in 1975 and the following ~~e~~Elements adopted in 1976: Land Use (including ~~s~~Sections on ~~e~~Existing ~~l~~and ~~u~~Use, ~~c~~Commercial ~~d~~Development, and ~~v~~Visitor ~~a~~Accommodations), Circulation, Housing, Open Space and Conservation (including ~~s~~Sections on ~~u~~Unstable ~~s~~Slopes, ~~s~~Soil ~~c~~Characteristics, ~~w~~Water ~~r~~Resources, and ~~b~~Biological ~~r~~Resources), Recreation, Public Services and Community Design.

17.08.330 Grade.

~~The~~“Grade” means ~~the~~ average of the finished ground level at the center of all walls of a building.

17.08.340 ~~Guest House~~Guesthouse.

~~A~~“Guesthouse” means ~~a~~ structure accessory to a dwelling with sleeping and bathroom facilities that is not continuously occupied for residential purposes, and lacking any kitchen facilities.

17.08.345 Hearings Officer

~~or a~~“Hearings Officer” shall mean ~~a person appointed by the City Council if said officer is to acting in the Planning Commission’s stead.~~

17.08.350 Height.

~~The~~“Height” means ~~the~~ vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

17.08.360 Home ~~o~~Occupation.

~~A~~“Home occupation” means ~~a~~ use customarily conducted within a dwelling or accessory building by the inhabitants of the dwelling and which use is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the character of the dwelling or premises.

17.08.370 Kennel.

~~Any~~“Kennel” means ~~any~~ premises, except those accessory to an agricultural use, where five ~~(5)~~ or more small domestic animals, not sick or injured, are boarded for compensation or cared for or trained for hire, or are kept for sale or breeding purposes.

17.08.380 Lot.

~~A~~“Lot” means ~~a~~ tract of land lawfully established and officially recorded in the county assessor’s office, which constitutes a unit of land under single ownership.

17.08.390 Lot ~~a~~Area.

~~The~~“Lot area” means ~~the~~ total horizontal area included within lot lines.

17.08.400 Lot, ~~c~~Corner.

~~A~~“Corner lot” means ~~a~~ lot at the junction of and abutting on two or more intersecting streets where the angle of intersection is 130 degrees or less.

17.08.410 Lot ~~f~~Frontage.

~~The~~“Lot frontage” means ~~the~~ line separating a lot from the street, in the case of an interior lot, and the line separating the narrowest street frontage from the street in the case of a corner lot.

17.08.420 Lot, ~~i~~Interior.

~~A~~“Interior lot” means ~~a~~ lot other than a corner lot.

17.08.430 Lot ~~L~~ines.

~~The~~“Lot lines” means the lines bounding a lot as defined ~~herein in this chapter.~~

17.08.440 Lot ~~L~~ine, ~~r~~Rear.

~~The~~“Rear lot line” means the boundary of a lot opposite and most nearly parallel to the front lot line.

17.08.450 Lot, ~~n~~Nonconforming.

~~Any~~“Nonconforming lot” means ~~any~~ lot existing and recorded as a separate parcel in the office of the County Assessor at the effective date of ~~the ordinance codified in this Ordinance~~title which does not conform to the area or width requirements of the district in which it is located or does not conform to the subdivision regulations of the City ~~of Trinidad.~~

17.08.460 Mobile Home~~Mobilehome.~~

A“Mobilehome” means a dwelling originally equipped with an axle and wheels, without motor power, with more than 256 square feet of floor area, and complying with the construction requirements of the State of California for such units.

17.08.470 Mobile Home Park~~Mobilehome park.~~

A“Mobilehome park” means a lot on which two or more ~~mobile homes~~mobilehomes are located and used for sleeping, cooking ~~or~~and eating purposes.

17.08.480 Motel, ~~i~~nn.

~~A~~“Motel, inn” means a building or group of buildings which is occupied or intended for occupancy ~~for~~by six or more unrelated individuals and to whom rooms are rented for sleeping purposes, with or without meals, and in addition is not used for the service of meals to persons not residing in said building.

17.08.490 New.

~~Any~~“New” means ~~any~~ use established, building or structure constructed, development undertaken, or lot created after the effective date of ~~the ordinance codified in this Ordinance~~title.

17.08.500 Non-conforming~~Nonconforming.~~

A“Nonconforming” means a structure and/or land use which was lawfully established but which does not now conform with the land use, yard, height, or other requirements and conditions of this ~~Ordinance~~chapter.

17.08.510 Offstreet~~Off-street p~~Parking.

A“Off-street parking” means a site, or portion of a site, devoted to the off-street parking of vehicles, including ~~loading berths~~parking spaces, aisles, access drives, and landscaped areas.

17.08.520 Off-street ~~L~~oading.

A“Off-street loading” means a site, or portion of a site, devoted to the loading or unloading of vehicles, including loading berths, aisles, access drives, and landscaped areas.

17.08.530 Ownership.

“Ownership” means ownership of property ~~(or possession thereof under a contract to purchase or under a lease, the term of which is not less than ten (10) years)~~ by a person or persons, firm, corporation, or partnership — ~~(individually, jointly, in common, or in any other manner—)~~, whereby such property is under single or unified control. The term shall include condominium ownership. The term “~~Owner~~owner” shall be deemed to mean the person, firm, corporation, or partnership, holding legal or equitable title or recorded contract of purchase of property, or any person authorized by written instrument to act for the owner.

17.08.535 Parking ~~H~~ot, ~~p~~Public.

~~“Public parking lot” means A~~an open area, other than a street or alley, used for the parking or storage of vehicles, and available for public use, for compensation.

17.08.540 Person.

~~Any~~“Person” means any individual, public, or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties.

~~2.04~~17.08.545 Planning Commission

~~“Planning C~~ommission” means the ~~P~~lanning ~~C~~ommission of the City of Trinidad, ~~or a Hearings Officer appointed by the City Council if said officer is acting in the Commission’s stead.~~

17.08.550 Public ~~w~~Works ~~p~~Project.

~~Any~~“Public works project” means any project by a public agency that is included in Section 30114 of the California Coastal Act of 1976 and any energy facility development within the meaning of Section 30197 of the California Coastal Act of 1976.

17.08.560 Recreation, ~~c~~Commercial.

~~Recreation~~“Commercial recreation” means recreation facilities open to the general public for a fee, or restricted to members, when operated for profit as a business.

17.08.570 Recreational ~~v~~ehicle or RV.

~~A~~“Recreational vehicle or RV” means a licensed vehicle, with or without motor power, with less than 256 square feet of floor area designed as a recreational residence and equipped for cooking and eating and/or sleeping.

17.08.580 Rest ~~h~~ome.

~~A~~“Rest home” means a structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to no more than six ~~(6)~~ convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided.

17.08.590 Servants’ ~~q~~uarters.

~~A~~“Servants’ quarters” means a dwelling unit, with a kitchen, accessory to a single-family dwelling occupied by an employee of the landowner who manages or otherwise cares for the owner’s premises.

17.08.600 Services, ~~p~~ersonal and ~~p~~rofessional.

~~Beauty~~“Personal and professional services” means beauty and barber shops; offices for doctors, dentists and others engaged in the human healing arts, provided no overnight care is given; offices for engineers, attorneys, architects, real estate sales, insurance, travel agencies, ambulance services, bail bonds, art and photography studios, and other such services which in the opinion of the ~~P~~lanning ~~C~~ommission are similar to the above, and do not involve the sale or repair of merchandise or equipment.

~~16.08.605~~14. Short Term Rental (STR)

“Short Term Rental” (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month-to-month tenancy granted to the same renter for the same dwelling, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

Sign.

~~Any~~“Sign” means any message, word, symbol, design, picture or visual medium which is intended to draw attention to a product, service, business, person, institution, or location and is placed or painted on the ground, or on any tree, wall, fence, rock, structure or thing whatsoever and placed thereon whether indoor or outdoor, so as to be visible from off premises, exclusive of legal notices, safety and directional signs posted by public agencies.

17.08.620 Sign, ~~f~~Freestanding.

~~A~~“Freestanding sign” means a sign which is supported by one or more uprights, poles, or braces in or upon the ground, and which is self-supporting in a fixed location and not attached to a building or structure.

17.08.630 Sign, ~~o~~Off-~~p~~Premises.

~~A~~“Off-premises sign” means a sign other than an on-site sign and includes signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

17.08.650 Sign, ~~o~~On-~~p~~Premises.

~~A~~“On-premises sign” means a sign relating in its subject matter to accommodations, services, commodities, or activities on the premises upon which it is located as distinguished from a sign which directs attention to or advertises an occupancy, accommodation, service, or activity supplied or originating on other premises.

17.08.660 Story.

~~That~~“Story” means that portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.

17.08.670 Street.

~~Land~~“Street” means land owned and designated by the City of Trinidad, Humboldt County, or the State of California as a public thoroughfare and which affords the primary means of access to abutting property.

17.08.680 Structure.

~~Anything~~“Structure” means anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

17.08.690 Structure, ~~a~~Accessory.

~~A~~“Accessory structure” means a detached building or structure, other than a sign, the use of which is accessory to the use of the lot.

17.08.696 TMC

“TMC” means the Trinidad Municipal Code.

17.08.700 Use.

~~The~~“Use” means the purpose for which either land or water or a structure thereon is designed, arranged, or intended, or for which it is, or may be, occupied or maintained.

17.08.710 Use, ~~a~~Accessory.

~~A~~“Accessory use” means a subordinate use which is customarily incidental to the primary use of the premises, and which does not alter or change the character of the premises.

17.08.720 Use, ~~p~~Principal ~~p~~Permitted.

~~The~~“Principal permitted use” means the primary use of land or of a main building which use is intrinsically compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee, or other person who has legal right to use the land has a vested right to conduct such principal permitted use in accordance with the other zoning regulations without securing special permission therefor, subject only to design and environmental impact review procedures.

17.08.730 Yard.

~~An~~“Yard” means an open space abutting a lot line unobstructed and unoccupied from the ground upward except for certain exceptions allowed herein. A yard shall be measured at right angles to the lot line and shall extend into the lot to the exterior wall of the building.

17.08.740 Yard, ~~f~~Front.

~~A~~“Front yard” means a yard extending the full width of the lot abutting the front lot line.

17.08.750 Yard, ~~r~~Rear.

~~A~~“Rear yard” means a yard extending the full width of the lot abutting the rear lot line.

17.08.760 Yard, ~~s~~Side.

~~A~~“Side yard” means a yard which extends from the front yard, or front lot line where no front yard exists, to the rear yard or rear lot line where no rear yard exists and abutting the side lot line.

17.08.770 Zone.

~~A~~“Zone” means a portion of the territory of the ~~C~~eity within which certain uniform regulations and requirements or combinations thereof apply under the provisions of these regulations.

Chapter 17.12

~~Article 3.~~ ESTABLISHMENT AND DESIGNATION OF ZONES

Sections:

17.12.010 Use restrictions.

17.12.020 Principal and combining zones.

17.12.030 Location and boundaries of zones.

17.12.040 Zoning map.

17.12.050 Determination of boundaries.

17.12.060 Limitations on structures and lots.

17.12.070 Zoning of annexed property.

17.12.010 ~~Sec. 3.01.~~ Use Requirements~~restrictions.~~

No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, water, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such land, water, building, or premises is located.

17.12.020 ~~Sec. 3.02.~~ Principal and combining zones.

The several principal zones into which the Ccity may be divided shall be those included in ~~Article 4.~~Chapters 17.16 through 17.48 TMC. The several combining zones into which the Ccity may further be divided shall be those included in ~~Article 5~~Chapter 17.52 TMC.

17.12.030~~Sec. 3.03.~~ Location and boundaries of zones.

The designation, location and boundaries of the principal and combining zones shall be as delineated on the Zoning ~~M~~map of the Ccity. Said map and all notations, references, data and other information shown thereon shall be a part of these regulations and subject thereto, and such map shall constitute ~~Section 3.04 hereof.~~TMC 17.12.040.

17.12.040~~Sec. 3.04.~~ Zoning map.

This section consists of the Zoning ~~M~~map of the Ccity, which map may be amended in whole or in part in accordance with the amendment procedure set forth in ~~Article 7 hereof.~~Chapter 17.68 TMC. A copy of the Zoning ~~M~~map shall be kept on file in the office of the City Clerk.

17.12.050~~Sec. 3.05.~~ Determining Uncertain Boundaries~~Determination of boundaries.~~

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

A. Streets or Alleys. Where the indicated zoning boundaries are approximately street or alley lines, the center lines of such streets or alleys shall be construed to be the boundaries.

B. Lot Lines. Where the indicated boundaries are approximately lot lines, the lot lines shall be construed to be the boundaries of said zone.

C. Vacated Street or Alley. In the event a dedicated street or alley is vacated by ordinance, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of the street or alley. In the event said street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.

D. Where a boundary line is not determined by any of the above, the zoning boundary shall be determined by using the scale contained on the zoning map. If uncertainty still exists the boundary line shall be established by the Planning Commission after notifying all affected landowners and obtaining their comments.

17.12.060-Sec. 3.06. Limitations on structures and lots.

No building or part thereof shall be erected nor shall any existing building be altered, enlarged or moved into any zone in any manner not in compliance with the minimum yards, maximum building height, maximum density and other regulations for the zone in which such building is located, nor shall any parcel of land be divided or the boundaries thereof be adjusted in any manner not in compliance with the minimum lot area, minimum yards, maximum density and other regulations for the zone in which such lot is located, except as provided ~~in Article 6 hereof, in Chapters 17.56 through 17.64 TMC.~~ No yard or other space provided about any building for the purposes of complying with the provisions of these regulations shall be considered as providing a yard or open space for more than one building or lot unless specifically permitted elsewhere in these regulations.

17.12.070-Sec. 3.07. Zoning of annexed property.

A. Any lands or waters which shall be annexed shall be automatically zoned the principal zone intended to apply to the land use classification applied to the annexed property in the Trinidad General Plan; provided, that any portion of the annexed area with a land use classification of Suburban Residential shall be zoned Suburban Residential with a Special Building Site of ~~five~~ acres subject to ~~the following provision:~~ subsection (B) of this section.

B. The owner of any land, prior to filing a petition for annexation to the City ~~of Trinidad~~, or in the event a proposed annexation shall be instituted by the Ceity or other property owners, may file an application for rezoning by complying with the provisions, procedures and paying the fees set forth in ~~Article 7~~ Chapters 17.68 and 17.76 TMC for amendments to the Zoning Ordinance. The zoning established by the Ceity shall be submitted to the California Coastal Commission for approval. The zoning approved by the Ceity and the Coastal Commission shall become effective at the same time that the annexation becomes effective. Required fees may be waived by the Ceity Council when the annexation is instituted by the City.

Article 4. Regulations for Principal Zones

~~Sec. 4.01 Conflict of Regulations~~

~~In addition to the regulations specified in this article for each of the principal zones, the general regulations set forth in Article 6 shall be applicable to each and every such zone. In the event of conflict between the particular regulations set forth in this article and the general regulations set forth in Article 6, the general regulations of Article 6 shall apply.~~

Chapter 17.16

OPEN SPACE OR OS ZONE

Sections:

17.16.010 Established – Purpose.

17.16.020 Principal permitted uses.

17.16.030 Uses permitted with a Use Permit.

17.16.040 Minimum lot area.

17.16.050 Maximum density.

17.16.060 Nondwelling structures.

17.16.070 Maximum building height.

17.16.080 Cultural resources.

17.16.010 Established – Purpose. ~~Sec. 4.02. Open Space or OS Zone~~

The ~~O~~pen ~~S~~pace (~~OS~~) zone is intended to be applied to areas designated ~~O~~pen ~~S~~pace in the Trinidad General Plan. The purpose of this zone is to maximize preservation of the natural and scenic character of these areas including protection of important wildlife habitat and cultural resources, and to ensure that the health and safety of the public is ensured through careful regulations of development in areas affected by geologic instability, steep slopes, tsunami and flood hazards. The following regulations in this chapter shall apply in all ~~O~~pen ~~S~~pace zones.

17.16.020 Principal permitted uses.

~~A.~~ Principal permitted uses in the OS zone are:

~~1A.~~ Public and private open space, wildlife habitat;

~~2B.~~ Low-intensity recreation on publicly controlled lands and waters such as beachcombing, hiking, fishing;

~~3C.~~ Pedestrian travel within public access easements consistent with the trail system identified in the General Plan;

~~4D.~~ Removal of vegetation posing an imminent hazard to structures or people if approved by the City Engineer;

~~5E.~~ Picnicking on public lands designated for such use.

17.16.030 Uses permitted with a Use Permit.

~~B.~~ Uses permitted in the OS zone with a ~~U~~se ~~P~~ermit are:

~~1A.~~ Pedestrian trails, vista points, including improvements to existing facilities;

~~2B.~~ Shoreline related recreation uses, including improvements to existing facilities;

~~3C.~~ Removal of vegetation including timber;

~~4D.~~ 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;

~~5E.~~ Structures accessory to uses and buildings existing within the Open Space zone at the time ~~this~~the ordinance codified in this title is adopted;

~~6F.~~ Wildlife habitat management and scientific research activities and related temporary structures.

C. Other Regulations

17.16.040 Minimum lot area for new lots.

~~1.~~ Division of a lot shall only be permitted for the purpose of a public agency acquiring the portion of a lot zoned Open Space; provided, that any portion of a lot remaining in private ownership shall be of an area not less than the minimum lot area requirement for the zone in which such a lot is located.

17.16.050 Maximum density.

~~2. New~~In the OS zone new dwellings are not permitted.

17.16.060 Nondwelling structures.

~~3. Requirements for development of non-dwelling structures:~~A. Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the OS zone shall only be permitted on lands designated as “unstable” or of “questionable stability” on Plate 3 of the General Plan if analysis by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist, at the applicant’s expense, demonstrates to the satisfaction of the Planning Commission that construction of the development will not significantly increase erosion and slope instability. The geologist’s report shall include but not be limited to impacts from construction activities such as grading, drainage (from septic leach fields, on-site water use, increased runoff from impervious surfaces), roadways and vegetation disturbance.

B. In addition to satisfying the above requirements, structures proposed within the OS zone shall also satisfy the applicable requirements in ~~Sections 4.03 C (4), (5), (6), (7), (8), (10).~~TMC 17.20.060 through 17.20.130.

17.16.070 Maximum building height.

~~4. In the OS zone the maximum building height is~~ 15 feet except that the Design Assistance Committee may require a lesser height if necessary to accomplish the purposes of ~~Subsection C3~~TMC 17.16.060 and C517.16.080.

17.16.080 Cultural resources.

~~5.~~ Within the portion of the Tsurai Study Area zoned Open Space any soil disturbance, removal of vegetation, placement of temporary or permanent structures, or establishment of a use identified in ~~Subsection A1~~TMC 17.16.020(A) shall require a Use Permit. Except for a fence to protect burial grounds, no soil disturbance, removal of vegetation, structural improvements or use shall be permitted unless it has been approved by the ~~Trinidad~~ City Council, the State Historic Preservation Officer, the Trinidad Rancheria and the lineal descendants of Tsurai.

Chapter 17.20

Sec. 4.03. ~~Special environment or SE zone~~ SPECIAL ENVIRONMENT OR SE ZONE

Sections:

- 17.20.010 Established – Purpose.
- 17.20.020 Principal permitted uses.
- 17.20.030 Uses permitted with a Use Permit.
- 17.20.040 Minimum lot area.
- 17.20.050 Maximum density.
- 17.20.060 Maximum building height.
- 17.20.070 Requirements in tsunami hazard area.
- 17.20.080 Requirements for structures on ocean bluffs.
- 17.20.090 Requirements for development on slopes near bluffs.
- 17.20.100 Requirements for development in stream protection areas.
- 17.20.110 Requirements in Tsurai study area.
- 17.20.120 Requirements for open space protection.
- 17.20.130 Determination of development feasibility.

17.20.010 Established – Purpose.

The Special Environment (SE) zone is intended to be applied to areas designated as Special Environment in the Trinidad General Plan. The purpose of this zone is to maximize preservation of the natural and scenic character of these areas through minimizing alteration of natural land forms and vegetation and limiting the extent of development in areas affected by geologic instability, steep slopes, tsunami and flood hazards on the basis of on-site investigations. It is intended that development not be visible from public viewpoints more than necessary and that it have a natural appearance. The following regulations in this chapter shall apply in all Special Environment zones.

~~A-17.20.020~~ Principal permitted uses.

Principal permitted uses in the SE zone are:

- 1A. Public and private open space, wildlife habitat;
- 2B. Low-intensity recreation on publicly controlled lands and waters such as beachcombing, hiking, fishing;
- 3C. Removal of vegetation posing an imminent hazard to structures or people if approved by the City Engineer, and maintenance of existing private fire trails;
- 4D. Home occupations as provided in Sec. 6.06 TMC 17.56.060;
- 5E. Picnicking on public lands designated for such use.

17.20.030 ~~B-~~ Uses permitted with a Use Permit

Uses permitted in the SE zone with a Use Permit are:

- 1A. Pedestrian trails, vista points, including improvements to existing facilities; new fire trails, provided the trail width is the minimum necessary and the location minimizes visibility from public viewpoints;
- 2B. Single-family dwelling; provided, that all information required in subsection C TMC 17.20.040 through 17.20.130 is provided and the Planning Commission determines that a dwelling on the subject property is feasible and consistent with the purposes of the Special Environment zone;
- 3C. Wildlife habitat management and scientific research activities and related temporary structures.

C. Other Regulations

17.20.040 ~~1~~ **Minimum lot area for new lots.**

20,000 sq. ft. provided that no new lots shall be created except as follows:

A.a) land within the SE zone may be included in a new lot if the new lot is partially in another zone and any building site on the lot is located entirely within the other zone, and

B.b) a portion of a lot may be separated for the purpose of transferring ownership to a public agency or ~~ce~~city approved public trust to preserve the open space character of the property.

17.20.050 ~~2~~ **Maximum density.**

Maximum density in the SE zone is one dwelling per lot.

17.20.060 ~~3~~ **Maximum building height.**

Maximum building height in the SE zone is 25 feet, except that the ~~D~~design ~~A~~assistance ~~C~~committee may require a lesser height as provided in ~~Section 6.19, Chapter 17.60 TMC.~~

17.20.070 ~~4~~ **Requirements in ~~t~~tsunami ~~h~~hazard area.**

Except for harbor and public access facilities no new structures shall be located less than ~~twenty (20)~~ feet above ~~Mean Lower Low Water~~mean lower low water. When any development is proposed in the tsunami hazard area the developer shall obtain from the State Lands Commission a written determination that:

A. No state lands are involved in the development; or

B. State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or

C. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

17.20.080 ~~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 and alterations made thereto subject to obtaining a Use Ppermit:

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. Shoreline protection structures shall be limited to structures which protect existing residences and business or commercial structures, vacant lots which through lack of protection threaten adjacent developed lots, public works, public beaches or coastal dependent uses. Structural protection measures may be permitted if nonstructural measures (i.e., building relocation or change in design) are infeasible from an engineering or economic standpoint. The protection structure shall be designed to meet adequate engineering standards based on the geologic hazards review or other detailed technical information. The City shall require the design of the structures to be reviewed and approved by the City Engineer, and that the applicant shall be responsible for liability, maintenance and repair of the structure. The protection structure shall not:

1. Reduce or restrict public beach access; or

2. Adversely affect shoreline processes and sand supply; or

3. Increase erosion on adjacent properties; or
4. Cause harmful impacts on wildlife and fish habitats.

The protection structure shall be placed as close as possible to the development requiring protection and shall be designed to minimize visual intrusion.

17.20.090 6-Requirements for development on slopes near bluffs.

A. No building shall be located closer than 30 feet from any point on the bluff edge; provided, that a bluff setback in excess of 30 feet may be required by the Planning Commission following evaluation of geologic and soil reports.

B. Grading and excavation shall be the minimum necessary to complete the proposed development consistent with the following requirements:

1. The building site shall be graded to direct surface water away from the top of the bluff, or alternatively, drainage shall be handled in a manner satisfactory to the Ccity which will prevent damage to the bluff by surface and percolating water;
2. No excavation, grading or deposition of natural materials shall be permitted on the beach or the face of the bluff.

C. No development shall be allowed on the portions of a lot with a slope of 20 % percent or greater if such development would require:

1. An access road which requires cuts or fills in an area of slope greater than 20% percent;
2. A side slope road in areas of slope greater than 20% percent.

The construction of slab foundations shall not be allowed on slopes of 15 % percent or more.

D. The construction site including access to the building site shall be defined in the Use Permit and staked on the construction site. Removal of vegetation, compaction of soil and grading shall be minimized. No earth movement, stockpiling, traffic, or clearing is allowed outside of the construction site boundary. Excavated materials and construction materials shall be stored within the perimeter of the construction site boundary or be removed.

E. There shall be no excavation on the site before the Planning Commission has approved the location ~~of~~for the ~~stakeout~~staking of the drives, parking sites, building sites and other areas to be graded and filled. Underground utilities shall be confined to a single utility corridor whenever possible to minimize the area of disturbance.

F. Access roads and parking areas shall be constructed prior to any stockpiling of building materials or building construction. All subsequent vehicle travel on the site shall be limited to these areas except for completion of approved earthwork. Stockpiling of building materials shall also be confined to these surfaced areas.

G. Vegetation which is not to be disturbed shall be protected from mechanical damage and undesirable changes in water table, subsurface aeration, surface or subsurface drainage, or other adverse environmental conditions.

H. The siting of dwellings and appurtenant uses (including garden, lawn, orchard and outdoor storage areas) shall minimize the removal of vegetation, minimize alteration of natural landforms and adverse impacts on the scenic qualities of the area including minimizing the degree of visibility from beaches, shorelines, stream corridors, and other public viewpoints.

17.20.100 7-Requirements for Developmentdevelopment in Stream Protection Areas.

A. Soils and vegetation shall not be disturbed and no structures, septic tank systems, driveways, and trails shall be permitted within 100 feet of any perennial stream; provided, that if it can be demonstrated that no use of an existing parcel for a dwelling can be achieved without the location of necessary structures, driveways or trails within 100 feet of the stream, such facilities may be allowed, subject to the following conditions:

1. Soils and vegetation disturbance be minimized and any exposed soils be replanted with appropriate vegetation prior to the rainy season;
2. Any improvements not be damaged by a 100-year flood or degrade water quality;
3. The dwelling not be located within the 100-year floodplain.

B. No materials shall be placed within the 100-year floodplain of any perennial stream or in any other location from which it would be susceptible to erosion and/or deposition into said waters.

C. Pollutants such as chemicals, fuels, lubricants, raw sewage, and other harmful waste generated during construction shall not be discharged into or alongside streams or into natural or manmade channels leading thereto.

D. Structures shall allow peak surface water flows from a 100-year flood to pass with no significant impediment. All foundations for structures within the 100-year flood area shall consist of pier or single span design. No structure shall interrupt the flow of groundwaters.

17.20.110 8-Requirements in Tsurai Study Area.

Within the Tsurai Study Area as defined in the Trinidad General Plan, development shall be sited and designed and reasonable mitigation measures shall be required to minimize adverse impacts on this cultural resource. The State Historic Preservation Officer shall be afforded the opportunity to identify the archeological and paleontological resources within the Tsurai Study Area and to suggest mitigation measures prior to approval of any development in the Study Area.

17.20.120 9 Requirements for ~~Open Space Protection~~open space protection.

The natural character of all portions of a lot not within the designated construction site or the area identified for appurtenant uses shall be retained in its natural condition by means of an open space easement recorded prior to the commencement of construction of the development. The easement shall be between the land owner and the City or a ~~City~~ approved public trust. To the extent possible the easement should include all significant natural land forms such as bluffs and stream corridors, riparian vegetation and other vegetation required for wildlife habitat, major vegetation (trees over 18 inches DBH), landmarks and rare or endangered vegetation, and public trails and accessways where appropriate. The easement shall grant to the public the right to pass and repass over the beach areas generally parallel to the mark of the mean high tide and wide enough to include all beach areas seaward of the first line of terrestrial vegetation and to provide a continuous trail, unobstructed by high tides, around any physical obstacles.

17.20.130 10-Determination of ~~Development Feasibility~~development feasibility.

~~A.~~ A report by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist shall be provided at the applicant's expense as part of an application for a permanent structure, septic disposal system, driveway, parking area, or other use permitted in the SE zone within the unstable and questionable stability areas shown on Plate 3 of the General Plan. Before the Planning Commission approves a development, it shall determine that the proposed development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible.

~~a)B.~~ The report shall be based on an on-site inspection in addition to a review of the general character of the area using a currently acceptable engineering stability analysis method. The report shall take into consideration all potential impacts, including but not limited to impacts from construction activities such as grading, drainage (from septic leach fields, on-site water use, increased runoff from impervious surfaces), roadways, and vegetation disturbance.

~~b)C.~~ The report shall contain a professional opinion stating the following:

1. The area covered in the report is sufficient to demonstrate the geotechnical hazards of the site consistent with the geologic, seismic, hydrologic and soil conditions at the site;

2. The extent of potential damage that might be incurred by the development during all foreseeable normal and unusual conditions, including ground saturation and shaking caused by the maximum credible earthquake;
3. The effect the project could have on the stability of the bluff;
4. How the project can be designed or located so that it will neither be subject to nor contribute to significant geologic instability through the lifespan of the project;
5. A description of the degree of uncertainty of analytical results due to assumptions and unknowns.

Chapter 17.24

~~Sec. 4.04. Resource production or RP zone~~ RESOURCE PRODUCTION OR RP ZONE

Sections:

17.24.010 Established – Purpose.

17.24.020 Principal permitted uses.

17.24.030 Uses permitted with a Use Permit.

17.24.040 Minimum lot area.

17.24.050 Maximum density.

17.24.060 Minimum yards.

17.24.070 Maximum building height.

17.24.080 Vegetation removal.

17.24.010 Established – Purpose.

The ~~R~~esource ~~P~~roduction zone is intended to be applied in all areas designated as ~~R~~esource ~~P~~roduction in the Trinidad General Plan. This zone is intended to preserve and protect prime agricultural and forest lands for continued resource production, harvesting and related uses. It also preserves and protects geologically unstable areas, stream water quality and riparian habitat associated with agricultural and forest lands in resource production areas. It also provides for incidental private recreational uses. Division of land or new uses that could increase fire and water pollution hazards or allow conflicts with recognized agricultural and forest practices are not intended. The following regulations in this chapter shall apply in all ~~R~~esource ~~P~~roduction zones.

17.24.020 ~~A~~–Principal permitted uses.

Principal permitted uses in the RP zone are:

~~1A.~~ Timber production;

~~2B.~~ Harvesting of trees, provided they are not closer than 100 feet to any perennial stream and are not within a public watershed;

~~3C.~~ Thinning and removal of immature trees;

~~4D.~~ Agriculture, including farming and grazing, except for feed lots and dairy processing;

~~5E.~~ Wildlife habitat management and scientific research activities;

~~6F.~~ Home occupations as provided in ~~Sec. 6.06-TMC 17.56.060.~~

17.24.020 ~~B~~–Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the RP zone are:

~~1A.~~ Single-family dwelling for use by an on-site ~~resource~~-manager;

~~2B.~~ Tree harvesting or vegetation removal within 100 feet of a perennial stream or within a public watershed as provided in ~~Subsection C5;TMC 17.24.020(B);~~

~~3C.~~ Rock quarrying and similar extraction;

~~4D.~~ Animal feed lots; dairy processing.

~~C~~—Other regulations

~~1-17.24.040~~ Minimum lot area.

Minimum lot area for new lots: in the RP zone is 20 acres.

17.24.050 ~~2-~~ Maximum density:

~~One~~ Maximum density in the RP zone is one dwelling unit per 20 acres.

17.24.060 ~~3-~~ Minimum yards:

~~Front~~ Minimum yards in the RP zone are, for front, rear and side—, 30 feet.

17.24.070 ~~4-~~ Maximum building height:

Maximum building height in the RP zone is 25 feet; provided, that greater height may be permitted, subject to obtaining a Use Permit.

17.24.080 ~~5~~ Vegetation removal:

Removal of vegetation within 100 feet of a perennial stream or within a public watershed may be permitted, provided a competent professional reviews the proposal and the Planning Commission determines that the proposal will not cause significant erosion, slippage, water quality degradation or habitat destruction.

Chapter 17.28

~~Sec. 4.05. Suburban Residential or SR zone~~ SUBURBAN RESIDENTIAL OR SR ZONE

Sections:

17.28.010 Established – Purpose.

17.28.020 Principal permitted uses.

17.28.030 Uses permitted with a Use Permit.

17.28.040 Minimum lot area.

17.28.050 Maximum density.

17.28.060 Minimum yards.

17.28.070 Maximum building height.

17.28.080 Vegetation removal.

17.28.090 Required geologic study.

17.28.010 Established – Purpose.

The ~~S~~uburban ~~R~~esidential zone is intended to be applied in areas designated as ~~S~~uburban ~~R~~esidential in the Trinidad General Plan. It provides for single-family residential development at low densities suited to the physical capacity of the land and consistent with the density of nearby development. Public water systems are available or will be available in the near future. A second dwelling on a lot may be appropriate if the development design is consistent with neighborhood character and the lot has sufficient area to meet the density requirements for each dwelling. When combined with larger building site requirements, this zone may be suited to areas designated rural residential in the General Plan. The following regulations in this chapter shall apply in all ~~S~~uburban ~~R~~esidential or SR zones:

17.28.020 ~~A.~~ Principal permitted uses.

Principal permitted uses in the SR zone are:

~~1A.~~ Single-family dwelling, subject to the requirements of ~~Subsection C6~~TMC 17.28.090;

~~2B.~~ Keeping of no more than four household pets on each lot;

~~3C.~~ Placement of one recreational vehicle on a vacant lot for use as a seasonal residence for not more than six months in any 12-month period; provided, that if occupied for more than ~~one~~ month in any 12-month period, a water supply and wastewater disposal system shall be provided;

~~4D.~~ Home occupations as provided in ~~Sec. 6.06~~TMC 17.56.060.

17.28.030 ~~B.~~ Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the SR zone are:

~~1A.~~ Agriculture, including farming, grazing and plant nursery;

~~2B.~~ A second dwelling unit, which may be in a duplex, or guesthouse, or servants' quarters;

~~3C.~~ Removal of trees more than 12 inches DBH, except as provided ~~below~~in this chapter.

~~C. Other regulations.~~

17.28.040 ~~1.~~ Minimum lot area ~~for new lots~~.

When a septic tank is to be the means of wastewater disposal, new lots shall include sufficient area to accommodate required yards, the intended use, and primary and reserve septic leach fields as determined from requirements in the wastewater disposal regulations adopted by the Ceity. In no case shall a lot be less than 20,000 square feet in area.

17.28.050 ~~2~~ Maximum density:-

Maximum density in the SR zone is 20,000 square feet of lot area per dwelling, guesthouse, or servants' quarters.

17.28.060 ~~3~~ Minimum yards:-

Minimum yards in the SR zone are:

A. Front—, 30 feet;

B. Rear—, 20 feet;

C. Side—, 10 feet.

17.28.070 ~~4~~Maximum building height:-

Maximum building height in the SR zone is 25 feet, except that the Design Assistance Committee may require a lesser height as provided in Section 6.19-Chapter 17.60 TMC.

17.28.080 ~~5~~-Vegetation removal:-

Trees may be removed if they are diseased or pose an imminent danger to people or structures, subject to the approval of the City Engineer. Vegetation shall not be removed from a proposed building site until the site is approved by the Building Inspector. The Building Inspector shall approve the proposed site only if it involves removal of the fewest number of trees over 12 inches DBH. The minimum number of trees and shrubs over 8eight feet in height may be removed for the purpose of improving private or public views, subject to the approval of the Design Assistance Committee.

17.28.090 ~~6~~-Required geologic study:-

Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the SR zone shall only be permitted on lands designated as “unstable” or of “questionable stability” on Plate 3 of the General Plan if analysis by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist, at the applicant's expense, demonstrates to the satisfaction of the Planning Commission that construction of the development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible. The geologist's report shall conform to the requirements of Section 4.03-TMC 17.20.130.

Chapter 17.32

~~Sec. 4.06. Urban residential or UR zone~~ URBAN RESIDENTIAL OR UR ZONE

Sections:

- 17.32.010 Established – Purpose.
- 17.32.020 Principal permitted uses.
- 17.32.030 Uses permitted with a Use Permit.
- 17.32.040 Minimum lot area.
- 17.32.050 Maximum density.
- 17.32.060 Minimum yards.
- 17.32.070 Maximum building height.
- 17.32.080 Vegetation removal.
- 17.32.090 Required geologic study.

17.32.010 Established – Purpose.

The ~~Urban Residential~~ zone is intended to be applied in areas designated as ~~Urban Residential~~ in the General Plan. These areas are served by public water systems. This zone allows the highest density of residential use, taking into consideration neighborhood characteristics and soil capacity for wastewater leaching. The following regulations in this chapter shall apply in all ~~Urban Residential~~ zones.

17.32.020 ~~A.~~ Principal permitted uses.

Principal permitted uses in the UR zone are:

- ~~1A.~~ Single-family dwelling, subject to the requirements of ~~Subsection C6~~TMC 17.32.090;
- ~~2B.~~ Home occupation, as provided in ~~Sec. 6.06.~~TMC 17.56.060.

17.32.030 ~~B.~~ Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the UR zone include:

- ~~1A.~~ Guesthouse; servants' quarters;
- ~~2B.~~ Removal of trees more than 12 inches DBH.

~~C.~~ Other Regulations

17.32.040 ~~1.~~ Minimum lot area ~~for new lots.~~

When a septic tank is to be the means of wastewater disposal, new lots shall include sufficient area to accommodate required yards, the intended use, and primary and reserve septic leach fields as determined from requirements in the wastewater disposal regulations adopted by the ~~C~~city. In no case shall a lot be less than 8,000 square feet in area.

17.32.050 ~~2.~~ Maximum density.

Maximum density in the UR zone is 8,000 square feet of lot area per dwelling, ~~guest house,~~guesthouse or servants' quarters.

17.32.060 ~~3.~~ Minimum yards.

Unless modified by the Design Assistance Committee as provided in Chapter 17.60 TMC, minimum yards in the UR zone are:

- A. Front, 20 feet;
- B. Rear, 15 feet;

C. Side, ~~5~~five feet, unless modified by the design assistance committee as provided in Sec. 6.19.

17.32.070 ~~4~~ Maximum building height~~:-~~.

Maximum building height in the UR zone is 25 feet, except that the ~~D~~esign ~~A~~ssistance ~~C~~ommittee may require a lesser height as provided in ~~Sec. 6.19, Chapter 17.60 TMC.~~

17.32.080 ~~5~~Vegetation removal~~:-~~.

Trees may be removed if they are diseased or pose an imminent danger to people or structures, subject to the approval of the City Engineer. Vegetation shall not be removed from a proposed building site until the site is approved by the Building Inspector. The ~~B~~uilding ~~I~~nspector shall approve the proposed site only if it involves removal of the least number of trees over 12 inches DBH. The minimum number of trees and shrubs over ~~8~~eight feet in height may be removed for the purpose of improving private or public views subject to the approval of the ~~D~~esign ~~A~~ssistance ~~C~~ommittee.

17.32.090 ~~6~~Required geologic study~~:-~~.

Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the ~~U~~SR zone shall only be permitted on lands designated as “unstable” or of “questionable stability” on Plate 3 of the General Plan if analysis by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist, at the applicant’s expense, demonstrates to the satisfaction of the Planning Commission that construction of the development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible. The geologist’s report shall conform to the requirements of ~~Section 4.03 (C) (10), TMC 17.20.130.~~

Chapter 17.36

Sec. 4.07. ~~Planned development or PD zone~~ PLANNED DEVELOPMENT OR PD ZONE

Sections:

17.36.010 Established – Purpose.

17.36.020 Uses permitted with a ~~Use~~ Permit.

17.36.030 Minimum lot area.

17.36.040 Maximum density.

17.36.050 Minimum yards.

17.36.060 Maximum building height.

17.36.070 Open space.

17.36.080 Application procedure.

17.36.010 Established – Purpose.

The ~~P~~lanned ~~D~~evelopment zone is intended to be used in areas designated as ~~P~~lanned ~~D~~evelopment 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. The following regulations in this chapter shall apply in all ~~P~~lanned ~~D~~evelopment zones.

17.36.020 ~~A.~~ Uses permitted with a ~~Use~~ Permit.

Uses permitted with a Use Permit in the PD zone are:

1A. Single-family dwelling, duplex, condominiums and townhouses with not more than four dwellings in a building; groups of permitted dwelling types;

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

3C. Home occupations as provided in ~~Sec. 6.06~~TMC 17.56.060;

4D. Rest homes, day care centers, emergency shelters with onsite management and not more than 10 beds;

E. A combined residence with a business use allowed by ~~Section 4.07 A~~this section, other than a motel, where the business is not a home occupation as described by this ~~ordinance~~title.

~~B.~~ Other Regulations

17.36.030 ~~1.~~ Minimum lot area.

~~1. Minimum lot area for new lots:~~ For planned developments with ~~five~~ or more dwelling or commercial units—, 2,500 square feet per dwelling lot; none for commercial units; ~~provided,~~ that the ground floor area of the unit shall not exceed 100 percent of the lot area, except ground floor area shall not exceed 75 percent of the area of a corner lot. Lots shall be not less than 30 feet in width, except that corner lots shall not be less than 42 feet in width. For planned development with less than ~~five~~ dwelling or commercial units—, 8,000 square feet.

17.36.040 ~~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 percent 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.

17.36.050 ~~3~~-Minimum yards:

~~Where~~ Minimum yard requirements in the PD zone are as follows: where 8,000 square feet minimum lot area applies—, same as UR zone; where 2,500 square feet 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. The minimum yard between buildings shall be equal to the height of the higher building.

17.36.060 ~~4~~-Maximum building height:

Maximum building height is 25 feet, except that the Design Assistance Committee may require a lesser height as provided in ~~See. 6.19.~~ Chapter 17.60 TMC.

17.36.070 ~~5~~-Open space:

~~25%-Twenty-five percent~~ of the project site shall be common open space when dwellings are included. In addition, 800 ~~sq. ft.~~ square feet of common usable open space shall be provided per dwelling unit. The developer shall landscape and provide suitable recreational facilities within the usable open space areas and establish a homeowners' association or other means of providing for the perpetual maintenance of both usable and unusable common open space. Private open space, consisting of balconies or fenced area, shall be provided adjacent to each dwelling unit, and the area of such private open space shall be at least ~~ten~~ 10 percent of the gross floor area of the dwelling unit.

17.36.080 ~~6~~-Application procedure:

The applicant shall submit three copies of the following information to the City Clerk:

A. A map to scale showing:

1. Division of the land for the sale of individual lots, if any;
2. Existing contours at intervals of not less than ~~5~~ five feet and location of trees and other significant natural features;
3. Proposed automobile and pedestrian accessways;
4. Areas proposed to be reserved for common open space;
5. Location of commercial uses, dwellings, related off-street parking and any other proposed uses with dimensions showing building size, setbacks and yard areas;
6. Proposed landscaping, fencing and screening;
7. Provision for drainage of surface waters;

B. A tabulation of total number of acres and percent thereof designated for various uses, the number of dwelling units proposed by type, and the estimated population by type of dwelling;

C. A statement setting forth a program for installation and maintenance of parking areas, lighting, courts, public and private grounds, landscaping, streets, utilities, community buildings and common open space including copies of legal documents;

D. Building elevations to scale, and a statement of design principles for structures and streetscapes;

E. Such additional information as may be required by the Planning Commission;

F. An initial environmental study which satisfies the requirement of the California Environmental Quality Act and City regulations adopted pursuant thereto.

Within ~~thirty (30)~~ days of submittal, the applicant, interested staff and the Planning Commission shall meet to discuss the proposed development. A letter shall be transmitted by the City Clerk within five ~~(5)~~ working days after the meeting to the applicant indicating whether or not the proposal conforms with the General Plan, Zoning and Subdivision Ordinances and other applicable ~~C~~city regulations. If the applicant wishes to proceed, a ~~U~~use ~~P~~permit application shall be submitted to the City Clerk. The application shall include seven ~~(7)~~ copies of the information required above and a legal description of the property. If, after following the procedures in ~~Article 7~~Articles 17.60 through 17.68 TMC regarding consideration of ~~U~~use ~~P~~permit applications, the Planning Commission approves, or approves subject to conditions, the plan and any conditions shall be forwarded to the City Council for consideration and the ~~U~~use ~~P~~permit shall not become effective until ~~ten (10)~~ days following approval by the City Council. Unless changes are approved by the City Council after receiving a recommendation from the Planning Commission, all aspects of the planned development shall conform to the approved development plan, which shall be made a part of the ~~U~~use ~~P~~permit. Use ~~P~~permits may specify a development completion period of not more than ~~3~~three years at which time the ~~U~~use ~~P~~permit shall expire unless the applicant obtains the one ~~(1)~~-year extension.

Chapter 17.40

~~Sec. 4.08. Visitor services or VS zone~~ VISITOR SERVICES OR VS ZONE

Sections:

17.40.010 Established – Purpose.

17.40.020 Principal permitted uses.

17.40.030 Uses permitted with a Use Permit.

17.40.040 Minimum lot area.

17.40.050 Maximum density.

17.40.060 Minimum yards.

17.40.070 Maximum building height.

17.40.080 Vegetation removal.

17.40.010 Established – Purpose.

The ~~V~~visitor ~~S~~services zone is intended to be applied in areas designated as ~~V~~visitor ~~S~~services in the Trinidad General Plan. It is intended to provide areas for camping, recreational vehicle parks, motels, restaurants, lounges, and similar visitor services and accommodations. Visitor services and accommodations should have direct access to a primary collector street. Development should not create conflicts with nearby residential areas and should be located near convenience shopping facilities and/or recreation destinations. The following regulations in this chapter shall apply in all ~~V~~visitor ~~S~~services zones.

17.40.020 ~~A.~~ Principal permitted uses.

Principal permitted uses in the VS zone are:

~~1A.~~ Restaurant (except drive-in), gift shop;

~~2B.~~ Motel, inn;

~~3C.~~ Home occupations as provided in ~~Sec. 6.06.TMC 17.56.060.~~

17.40.030 ~~B.~~ Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the VS zone are:

~~1A.~~ Drive-in restaurant, lounge;

~~2B.~~ Campground, recreational vehicle park;

~~3C.~~ Grocery, laundromat or similar visitor convenience appurtenant to a visitor accommodation;

~~4D.~~ Single-family dwelling for the manager of another on-site permitted use;

~~5E.~~ Day care center.

~~C.~~ Other Regulations

17.40.040 ~~1.~~ Minimum lot area.

Minimum lot area for new lots: ~~1~~ in the VS zone is 8,000-sq.-ft. square feet.

17.40.050 ~~2.~~ Maximum density:

~~One.~~ Maximum density in the VS zone is: one campsite, RV space, or motel unit per 2,500 square feet of lot area; 8,000 square feet per dwelling unit.

17.40.060 ~~3.~~ Minimum yards.

Minimum yards: ~~Front~~ in the VS zone are, for front, rear and side yards—, 10 feet.

17.40.070 ~~4-~~**Maximum building height**;
Maximum building height in the VS zone is 25 feet.

17.40.080 ~~5-~~**Vegetation removal**;
Unless diseased, or posing an imminent danger to people or structures, trees should be retained wherever feasible in visitor accommodations.

Chapter 17.44

Sec. 4.09. Commercial or C zone**COMMERCIAL OR Z ZONE**

Sections:

17.44.010 Established – Intent.

17.44.020 Principal permitted uses.

17.44.030 Uses permitted with a Use Permit.

17.44.040 Minimum lot area.

17.44.050 Maximum density.

17.44.060 Minimum yards.

17.44.070 Maximum building height.

17.44.010 Established – Intent.

The **C**ommercial zone is intended to be applied to areas designated **C**ommercial in the General Plan. It provides for the commercial services that meet the convenience and retail needs of the residents and visitors. Uses serving the commercial fishing industry are also appropriate. The following regulations in this chapter shall apply in all **C**ommercial zones.

17.44.020 A-Principal permitted uses.

Principal permitted uses in the C zone are:

1A. Professional and business offices;

2B. Social halls, fraternal and social organizations and clubs;

3C. Emergency shelters with onsite management and not more than 10 beds;

D. Retail stores, agencies and services of a light commercial nature conducted entirely within an enclosed building such as antique shops, art galleries, retail bakeries, banks, barbershops, beauty salons, book stores, clothing and apparel stores, coin operated dry cleaning and laundry establishments, drugstores, florist shops, food markets, furniture stores, hardware and appliance stores, radio and television sales and service, restaurants and appurtenant licensed premises, service stations, studios, tailor shops, enclosed theaters, variety stores, plant nurseries, smokehouses and related sales, secondhand sales appurtenant to another permitted use.

17.44.030 B-Uses permitted with a Use Permit.

Uses permitted with a Use Permit in the C zone are:

1A. Motels; single-family dwellings associated with a commercial use;

2B. Major auto repair, new and used auto, RV and boat sales, licensed premises not appurtenant to any restaurant, secondhand sales, storage warehouses, small animal hospital within a building, cabinet shops, contractor yards, handicraft manufacture, lumber yards, metal working shops, printing, wholesaling, commercial recreational facilities, piers, manufacture, repair and storage of fishing equipment, storage and processing of ocean produce.

C. Other Regulations

17.44.040 1-Minimum lot area.

Minimum lot area ~~for new lots in the C zone is~~ 8,000 square feet.

17.44.050 2-Maximum density:

~~One~~ Maximum density in the C zone is one motel unit per 2,500 square feet of lot area; 8,000 square feet of lot area per dwelling unit.

17.44.060 3-Minimum yards.

Minimum yards: ~~Front~~ in the C zone are front, 20 feet; rear and side ~~none except 5~~, none, except five feet when adjacent to any other zone.

17.44.070 4-Maximum building height:

Maximum building height in the C zone is 25 feet; provided, that greater height may be permitted subject to obtaining a Use Permit.

Chapter 17.48

Sec. 4.10. Public and religious or PR zonePUBLIC AND RELIGIOUS OR PR ZONE

Sections:

17.48.010 Established – Purpose.

17.48.020 Principal permitted uses.

17.48.030 Minimum lot area.

17.48.040 Minimum yards.

17.48.050 Maximum building height.

17.48.060 Design Rreview.

17.48.010 Established – Purpose.

The ~~P~~ublic and ~~R~~eligious zone is intended to be applied to areas designated as ~~P~~ublic and ~~R~~eligious in the Trinidad General Plan. All publicly owned lands, exclusive of those maintained primarily as open space, and all lands owned by religious organizations and used for religious worship and related activities are included. Public agency ownerships include schools, public parking areas, utility substations, fire stations, public buildings and cemeteries. Any public and religious facility should be compatible with nearby uses and be located on streets which offer convenient access. The following regulations in this chapter shall apply in all ~~P~~ublic and ~~R~~eligious zones.

17.48.020 A-Principal permitted uses.

Principal permitted uses in the PR zone are:

~~1A.~~ Churches and appurtenant facilities;

~~2B.~~ Fraternal and social organizations;

~~3C.~~ Public parks, playgrounds, recreation centers, community gardens;

~~4D.~~ Public and private schools, police and fire stations, public service and administrative offices, cultural facilities including museums, libraries, auditoriums, public rest rooms;

~~5E.~~ Utility substations, corporation yards, reservoirs, storage tanks, radio and TV transmission facilities, caretaker residences.

~~C.~~ Other Regulations.

17.48.0301- Minimum lot area for new lots:

~~The~~Minimum lot area in the PR zone is the area needed to accommodate the intended use, yard requirements, and any wastewater disposal facilities.

17.48.040 2-Minimum yards:-

~~Front~~Minimum yards in the PR zone are front, 20 feet; rear and side yards—~~5~~, five feet, except none when adjacent to PR or C zones.

17.48.050 3-Maximum building height:-

Maximum building height in the PR zone is 25 feet, except that greater height may be permitted subject to obtaining a Use Permit.

17.48.060—4-Design Rreview:-

Expansion of existing uses and buildings and any new uses or buildings shall be subject to the Design Rreview requirements of ~~Sec. 6.19-Chapter 17.60 TMC.~~

Chapter 17.52

Article 5. Regulations for the Combining Zones

COMBINING ZONES

Sections:

17.52.010 General provisions.

17.52.020 Special Building Site combining or B zone.

17.52.030 Minimum yards.

17.52.040 Mobilehome combining or MH zone.

17.52.010 ~~Sec. 5.01~~ General provisions.

The regulations set forth in this chapter for each of the combining zones shall modify the regulations for the principal zones with which they are combined. All uses and regulations of the principal zone shall apply in the combined zone, except insofar as they are modified or augmented by the uses and regulations set forth in the combining zone regulations.

17.52.020 ~~Sec. 5.02~~ Special ~~B~~building ~~S~~site combining or -B zone.

The ~~S~~special ~~B~~building ~~S~~site combining or B zone is intended to be combined with the SR ~~S~~uburban ~~R~~esidential zone in order to conform new lots and development to the character of surrounding development and to ensure that lot sizes are generally large enough to accommodate the intended use and have adequate area for primary and reserve septic tank leach fields. The following regulations shall apply in the SR zone when it is combined with the special building site combining zone in lieu of the lot area and yard requirements normally applicable in such principal zone:

Combining Designation	Minimum Building Site Area
B-1	1 acre
B-2	2 acres
B-5	5 acres

17.52.030 Minimum yards.

Minimum yards: ~~Front in combining zones are front~~ and rear ~~—~~, same as SR zone; side yards ~~—~~, 20 feet.

17.52.040 ~~Sec. 5.03~~ Mobilehome combining or MH zone.

This zone may be combined with the SR ~~S~~uburban ~~R~~esidential zone in a contiguous area of ~~5~~five or more lots intended for the exclusive use of mobilehome residences. The following regulations shall apply in the SR zone when it is combined with the MH combining zone:

A. ~~Principal permitted use:~~ A single mobilehome on a lot, provided the mobilehome complies with the ~~State of California~~state mobilehome construction standards; and the mobilehome shall be placed on a perimeter concrete foundation consistent with building code requirements and shall satisfy any other requirements pertinent to designation of the mobilehome as real property subject to payment of property taxes.

Chapter 17.56

Article 6. General Provisions and Exceptions

SPECIFIC USE REGULATIONS

Sections:

- 17.56.010 Applicability.
- 17.56.020 Accessory uses.
- 17.56.030 Vehicle and other storage.
- 17.56.040 Animals.
- 17.56.050 Assemblages of persons and vehicles.
- 17.56.060 Home occupations.
- 17.56.070 Mobile buildings.
- 17.56.080 Access to public road.
- 17.56.090 Accessory structures.
- 17.56.100 Height limitations and modifications.
- 17.56.110 Yards, fences, walls and hedges.
- 17.56.120 Swimming pools.
- 17.56.130 Shoreline protection and alteration.
- 17.56.140 Rare plants.
- 17.56.150 Public access to the shoreline.
- 17.56.160 Signs.
- 17.56.170 Landscaping and screening.
- 17.56.180 Parking.
- 17.56.190 Regulations for Short Term Rentals

17.56.010 ~~Sec. 6.01.~~ Applicability.

The following specific regulations are intended to provide for the locations and control of certain special and accessory uses and to provide supplementary regulations pertaining to yards, buildings, parking, and ~~other non-conforming uses-standards~~ which apply to several zones or uses. The following regulations shall apply in all zones. Where the provisions of this ~~article~~chapter conflict with the provisions of any zone, the provisions of this ~~article~~chapter shall apply.

17.56.020 ~~Sec. 6.02.~~ Accessory uses.

Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a ~~Use P~~permit, unless particularly provided in this chapter; provided, that no accessory use shall be conducted on any property in the SE, SR and UR zones unless and until the main building is erected and occupied, or until a ~~Use P~~permit is secured. Use of a recreational vehicle as a temporary residence by visitors for not more than 15 days in any calendar year shall be a use accessory to a dwelling.

17.56.030 ~~Sec. 6.03.~~ Vehicle and other storage.

Abandoned, unlicensed, inoperable or partially dismantled vehicles may be parked within the confines of a legally established vehicle repair business. They may also be stored within any enclosed building. Also, not more than two vehicles intended to be repaired or restored may be parked outdoors if they are located in the rear yard and are screened by a sight-obscuring fence, wall or hedge. Storage of crabpots, boats, and recreational vehicles is permitted in required yard areas except in the street corner area identified in ~~Sec. 6.11(6); TMC 17.56.110(F)~~; provided, that access to the perimeter of the dwelling is not obstructed, and no such storage is closer than ~~5~~five feet to the front lot line. Storage of building materials, equipment and appliances and similar unsightly items shall not be stored in the required front or street side yard for more than 30 days in any year.

17.56.040 ~~Sec. 6.04.~~ Animals.

A. In all zones no more than ~~4~~four household pets such as dogs and cats may be kept as an accessory use to a dwelling, unless a Use Permit is obtained. In addition to any household pets, not more than ~~4~~four small domestic animals, including rabbits and poultry, may be kept in the ~~S~~suburban ~~R~~esidential and ~~U~~rban ~~R~~esidential zones on a lot 8,000 square feet in area or less. No rooster over the age of ~~6~~six months shall be permitted in the ~~U~~rban ~~R~~esidential zone. One additional small domestic animal may be kept for each 2,000 square feet of area by which the lot exceeds 8,000 square feet.

B. In addition, the following domestic animals may be kept as accessory to a dwelling in the ~~S~~suburban ~~R~~esidential zone:

1. One large domestic bovine or equine animal may be kept on a lot of not less than one acre. One additional animal may be kept for each half acre by which the lot exceeds ~~1~~one acre;
2. Two medium sized domestic animals, including sheep and goats, may be kept on any lot of not less than 20,000 square feet. One additional animal may be kept for each 10,000 square feet of area by which the lot exceeds 20,000 square feet.

17.56.050 ~~Sec. 6.05.~~ Assemblages of persons and vehicles.

No circus, carnival, open-air or drive-in theater, vehicular racetrack, religious revival tent or similar assemblage of people and vehicles shall be permitted in any zone unless a Use Permit is first secured.

17.56.060 ~~Sec. 6.06.~~ Home occupations.

Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, bookkeeping, shall be permitted as an accessory use to any dwelling, subject to the following conditions:

- ~~1~~A. No employees other than members of the resident family;
- ~~2~~B. Not more than one sign not to exceed ~~3~~three square feet in area and attached to the dwelling;
- ~~3~~C. No outside display of merchandise;
- ~~4~~D. Electrical motors only, and not to exceed a total of one horsepower;
- ~~5~~E. No radio or television interference or noise audible beyond the boundaries of the site;
- ~~6~~F. No significant increase in automobile, traffic over normal residential use and no trucks of greater than three-quarter ton on the site.

17.56.070 ~~Sec. 6.07.~~ Mobile buildings.

Mobile buildings, including mobilehomes, shall not be stored in the city. Outside of the MH combining zone a mobilehome or mobile building may be located on a lot and used for a residence or office only under the following conditions:

- A. One mobile building may be used as an office, appurtenant and accessory to the operation of a mobilehome or RV sales area.
- B. One mobile building may be permitted as a temporary office or residence after obtaining a building permit for the construction of a permanent building of the same use on the same lot, subject to the approval of the Building Inspector. Such use of the mobile building shall be limited to ~~6~~six months from the date of building permit issuance and shall automatically terminate upon the expiration or voidance of the building permit. The Building Inspector may approve one additional time period of ~~6~~six months if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.

C. A mobile building may be used, subject to obtaining a Use Permit, as a temporary office by a construction contractor.

D. A mobile building may be used, subject to obtaining a Use Permit, for an office and sales of fishing equipment in conjunction with the operation of the harbor. The mobile building shall be sited, and the exterior appearance modified to blend the unit with the harbor environment. The existing parking area shall not be reduced, and the building must be removed from the harbor area between October 1st and April 15th of each year.

E. -A mobilehome is considered a single-family dwelling if it is on a permanent foundation and:

1. Conforms to the National Mobile Construction and Safety Standards of 1974;
2. Meets the requirements of Chapter 29 of the UBC, 1979 Edition;
3. Conforms to the criteria for single-family dwellings, as specified in ~~Section 6.19 Design Review~~ TMC Chapter 17.60. This is to include the mobilehome itself and any attached or accessory structures, such as covered porches, carports;
4. Should be at least a ~~“double-wide.”~~ Single-wide mobilehomes are considered to be out of character with the existing community.

17.56.080 ~~Sec. 6.08~~-Access to public road.

All lots created subsequent to the adoption of these regulations shall have 25 feet of frontage on a public road, or 25 feet of frontage on a public easement at least 25 feet wide from the lot to a public road. Lots existing on the effective date of the regulations codified in this chapter not having such access to a road may be used for the purpose provided in these regulations if a Use Permit is first obtained incorporating such conditions as the Planning Commission deems necessary to ensure sufficient access to a public road.

17.56.090 ~~Sec. 6.09~~-Accessory structures.

Accessory structures shall be located in the area between side property lines from the rear lot line to the rear of the front yard, except that accessory structures shall not be closer than 10 feet to any on-site building and not closer than 15 feet to any side lot line abutting a street. Accessory structures for nonhousehold animals shall not be located closer than 50 feet to any dwelling. Accessory structures shall not be more than 15 feet in height in the SR and UR zones and shall comply with the maximum building height limitation in other zones.

17.56.100 ~~Sec. 6.10~~-Height limitations and modifications.

Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof. Chimneys, vents, flagpoles, conventional television reception antennas, ventilating and air conditioning equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in making such measurement.

17.56.110 ~~Sec. 6.11~~-Yards, fences, walls and hedges.

The minimum yard requirements set out in ~~Articles 4 and 5~~ Chapters 17.16 through 17.52 TMC shall be subject to the regulations of this section:

~~1A.~~ Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of ~~2 ½~~ two and one-half feet into a side yard and ~~4~~ four feet into front, streetside and rear, ~~or side street yard yards~~. Uncovered porches, decks, balconies, stairways, fire escapes or landings may extend a maximum of ~~8~~ eight feet into front, ~~street side~~ streetside or rear yards and ~~3~~ three feet into side yards.

~~2B.~~ The ~~street side~~ streetside yard on a corner lot shall be 15 feet.

~~3C.~~ Sight-obscuring fences, walls or hedges within a required front yard or required side yard adjacent to a street more than ~~2 ½~~ two and one-half feet in height shall not be located closer than 15 feet to the point where the edge of a driveway crosses the property line. Fences located within a required front yard, or side yard adjacent to a street, shall not exceed ~~4~~ four feet in height.

4D. Fences, walls and hedges located within a required interior side yard or required rear yard shall not exceed 6six feet in height. However, the Building Inspector may approve fences, walls and hedges higher than 6six feet within a required interior side yard, or required rear yard if the owner obtains written consent from the adjoining property owner. Emergency access through such fencing shall be provided when it obstructs access to a building.

5E. Fences, walls and hedges within the buildable portion of a lot may exceed 6six feet in height, but emergency access shall be provided when the fence, wall or hedge obstructs access to a building.

6F. For corner lots, within the area lying between the front and street side lot lines and a line connecting points on these lot lines 20 feet from their intersection, sight-obscuring fences, walls and vegetation shall not exceed 2½two and one-half feet in height above the established grade of either street. Tree trunks, posts or columns not exceeding 18 inches in cross-sectional width, measured at three feet above the established grade of either street, shall be permitted; provided, that tree branches are removed up to 8eight feet above the grade of either street.

7G. Limitations on fence height shall not be deemed to prohibit non-sight-obscuring safety or security fences of any height necessary for public playgrounds, public utilities, and other public installations.

17.56.120 ~~Sec. 6.12-~~Swimming pools.

Any artificial pool, pond, lake or open tank, not completely enclosed within a building, which is normally capable of containing water to a depth greater than 18 inches at any point and in which swimming or bathing is permitted to the occupants of the premises on which it is located, or their guests, and which shall not be used for commercial purposes, shall be permitted as an accessory structure in any zone and shall be subject to the following regulations:

1A. Such pool shall be located on the rear one-half of the lot and in any case not less than 50 feet from the ~~front~~ lot line, nor closer than 5five feet to a side or rear lot line. Filter and heating systems shall not be located within 10 feet of any lot line;

2B. Such pool or the property on which it is located shall be completely enclosed by a wall or fence not less than 4½four and one-half feet in height, containing no openings greater than 4four inches except for self-closing and self-latching gates on which the latch is at least 4four feet above ground level in order that full control of access by children may be maintained.

17.56.130 ~~Sec. 6.13-~~Shoreline protection and alteration.

A. The following regulations shall apply to the construction of shoreline protection works and to any dredging, diking, damming, channelization, filling or similar activity in the area less than 20 feet above mean lower low water or within the 100-year floodplain or any perennial stream in the Ceity:

B. Before any dam, dike, fill, groin, revetment, breakwater, retaining wall or similar structure, or dredging, diversion, channelization or similar activity shall be constructed or undertaken within the Ceity, the applicant or lead agency shall provide the Ceity 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 Ceity and its residents. Such uses shall be subject to a Uuse Ppermit. The Uuse Ppermit 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.

17.56.140 ~~Sec. 6.14-~~Rare plants.

The City shall refer all applications for development in the area north of Main Street (extended to the west and east) to the California Department of Fish and Game-Wildlife to determine if rare plants exist on the site. If such plants are found, any permit shall require that the developer meet any mitigation requirements recommended by the Department. If a new location of a rare or endangered plant is found in the future, the Ceity will require the applicants of a development permit to notify the California Department of Fish and Game-Wildlife if the development is within 100 feet of the location of the plant. Any permit shall require that the developer meet any mitigation requirements recommended by the Department of Fish and GameWildlife.

17.56.150—Sec. 6.15. Public access to the shoreline.

A. As a condition of approval for any ~~V~~ariance, ~~C~~onditional ~~U~~se ~~P~~ermit, Coastal Development Permit, or ~~D~~esign ~~R~~eview of new development, the landowner shall offer to dedicate an easement for public access, for a period of 21 years, along the ocean shoreline from the mean high tide line up to the first line of terrestrial vegetation or a distance inland of 25 feet, whichever is the greater, and a 25-foot-wide easement along any trail designated in the Trinidad General Plan located on the subject property. These public easements shall only take effect when a public or private trust approved by the City accepts responsibility for liability and the improvement and maintenance of the access easement.

B. The following restrictions apply in this 25 foot easement:

1. Existing motorized access shall not be enlarged and where motorized access does not exist, it shall not be allowed;
2. Foot trail portions of the easement shall not exceed 10 feet in utilized width;
3. Existing foot trails should be used except when design or stability problems require a change;
4. Buffer zone areas on the unutilized portions of the foot trails shall not be open to the public.

C. For purposes of this section, “new development” does not include:

1. The replacement of any structure, other than a public works facility destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same general location on the affected property as the destroyed structure-;
2. The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure-;
3. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the original structure by more than 10 percent, which do not block or impede public access and which do not result in a seaward encroachment by the structure-;
4. The reconstruction or repair of any seawall; provided, that the reconstructed or repaired seawall is not seaward of the location of the former structure-;
5. Any repair or maintenance activity for which the Coastal Commission has determined, pursuant to Public Resources Code Section 30610, that a ~~C~~oastal ~~D~~evelopment ~~P~~ermit will be required unless the Coastal Commission determines that activity will have an adverse impact on lateral public access along the beach.

D. As used in this ~~subdivision section~~, “bulk” means total interior cubic volume as measured from the exterior surface of the structure.

E. As used in this ~~subdivision section~~, “disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

F. As used in this ~~subdivision section~~, “structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

G. Nothing in this ~~subdivision section~~ shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

17.56.160 ~~Sec. 6.16.~~ Signs.

A. In all zones the following signs shall be permitted; provided, that signs permitted in subsections (A)(2) and (3-below) of this section shall be subject to review by the ~~D~~esign ~~A~~ssistance ~~C~~ommittee:

1. A residential nameplate bearing the name of the occupant and not exceeding 2two square feet; provided, that 3three square feet shall be permitted for a residence with a home occupation;
2. Identifying sign and/or bulletin board for a church, school or other public or religious use, which may be indirectly lighted, not exceeding 32 square feet in area and located on the premises; provided, that it is no closer than 10 feet from any property line;
3. No more than 2two signs advertising a subdivision or housing development located on the premises thereof, unilluminated; not exceeding 32 square feet in area each and not less than 10 feet from any property line;
4. Unilluminated signs not exceeding a total area of 6six square feet, and not more than 2two in number pertaining to the sale or lease of residential property and unilluminated signs not exceeding 32 square feet and not more than 2two in number pertaining to the sale or lease of land in the PD, VS and C zones;
5. Public safety and directional signs not exceeding 2two square feet including “no trespassing” signs; political campaign signs and posters, provided such signs and posters are removed not more than 30 days after the date of the election;
6. One temporary portable sign not exceeding 32 square feet in area, during one 15-day period in any calendar year.
7. ~~Vacation Dwelling Unit~~Short Term Rental identification signs, as allowed by Section 17.56.190 (6.26).M.10H.5, provided that such signage is not placed in a public right-of-way, and does not rotate, blink, flash, sparkle, or obstruct the visibility of any traffic control sign.

B. In the PD, VS and C zones on-premises signs shall be permitted, subject to the following regulations and the review of the ~~D~~esign ~~A~~ssistance ~~C~~ommittee:

1. The total advertising area permitted for any parcel of land shall be 4one square foot for each foot of street frontage; provided, that any parcel shall be permitted at least 20 square feet of advertising area, but in no case shall the advertising area for any parcel exceed 300 square feet. No individual sign established after the adoption of the ordinance codified in this title shall be greater than 50 square feet in area;
2. No freestanding sign shall exceed the maximum building height for the zone in which the sign is located. Signs attached to buildings shall not project more than 3three feet above the roof line;
3. Signs projecting over public rights-of-way shall not exceed 32 square feet in area, shall not project more than 5five feet, and shall not be closer than 14 feet to the ground unless attached to the underside of a projecting canopy, in which case the sign shall not be more than 6six square feet in area and shall not be closer than 9nine feet to the ground or sidewalk;
4. Signs that rotate, blink, flash, sparkle, resemble traffic-control signs, obstruct the visibility of any traffic sign, and portable signs in a public right-of-way are prohibited. ~~Non-appurtenant~~Nonappurtenant signs are prohibited except that a maximum of 2two directional signs of not more than 4 four square feet each may be permitted adjacent to primary collector streets; subject to obtaining a Use ~~P~~ermit; and provided, that multiple identification signs included within a community business directory shall be permitted in the C zone, subject to a Use ~~P~~ermit.

17.56.170 ~~Sec. 6.17.~~ Landscaping and screening.

These regulations are intended to protect individual properties from traffic glare and to improve the appearance of new development in ~~Trinidad~~the City:

A. Maintenance. All required planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, weeding, cleaning, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. All screening shall be in sound functional condition, or, whenever necessary, repaired and replaced.

B. Materials. Where trees are required in a new development they shall be of a species, degree of maturity, and spacing acceptable to the ~~D~~esign ~~A~~ssistance ~~C~~ommittee. Where dense landscaping to a specified height is prescribed, it shall be of a type that will provide a year-round barrier to the prescribed heights, and shall be so spaced that vision of objects on the opposite side is effectively eliminated.

C. Dense landscaping or solid wall or fence of a minimum height of ~~6~~six feet shall be provided along the rear and side property lines of any ~~non-residential~~nonresidential use which abuts on a residential use; to screen any open area used for the storage of goods, materials, or ~~waste~~water from view from abutting properties and from public rights-of-way; to screen any open area used to display goods or materials for sale from abutting properties.

D. Prescribed fences, walls or dense landscaping need not be provided along a lot line if a fence, wall or dense landscaping of at least equivalent height, density and maintenance exists immediately abutting and on the opposite side of said lot line.

E. Perimeter landscaping shall be provided between parking spaces and adjacent street right-of-way whenever ~~5~~five or more parking spaces are required. Such landscaping area shall be at least ~~4~~four feet wide and protected from damage by a curb or header adjacent to the parking area. In addition, whenever ~~5~~five or more parking spaces are required ~~4~~one tree shall be provided, with an additional tree required for every 10 additional required parking spaces. Such trees shall be planted in tree wells at least ~~4~~four feet by ~~4~~four feet, protected by a curb or header. Whenever ~~5~~five or more parking spaces are required, at least ~~2~~two percent of the parking area, including the above required landscaping, shall be landscaped.

17.56.180 ~~Sec. 6.18. Parking and loading facilities.~~

Off-street parking and loading space shall be provided in all zones in conformity with the following:

A. Each required parking space shall not be less than ~~eight feet six inches~~ 8'6" wide, 18 feet long and ~~7~~seven feet high; provided, that where ~~three~~3 to ~~four~~4 spaces are required, ~~one~~1 space may be 16 feet long to accommodate compact cars; where ~~five~~5 spaces are required, ~~two~~2 may be 16 feet long; and where ~~6~~six or more spaces are required, up to 50 percent of the spaces may be 16 feet long. ~~Each loading space shall be not less than 10 feet wide, 25 feet long and 14 feet wide.~~

B. Parking spaces shall be as follows:

1. Campground, RV park, motel: ~~2~~two spaces plus ~~1~~one space per unit;
2. Single-family dwelling and mobilehome on a lot: ~~2~~two spaces in addition to any garage spaces;
3. Attached dwellings (duplex, townhouse): ~~4.5~~one and one-half spaces per unit;
4. Offices and retail business: ~~1~~one space per 300 square feet of gross floor area, with a minimum of ~~3~~three spaces. One additional space per employee in a medical or dental office;
5. Restaurant, lounge: ~~1~~one space for each ~~4~~four seats or 200 square feet of gross floor area, whichever is the largest;
6. Drive-in restaurant: ~~1~~one space per 100 square feet of gross floor area;
7. Wholesale, service station, vehicle and equipment repair, day care center, retail sale of bulky items: ~~2~~two spaces plus ~~1~~one space per employee on largest shift;
8. Emergency shelters: two spaces plus one space for every five beds;

9. Within the ~~PD~~ Planned Development zone: gift shops, personal services, professional offices, retail sales, visitor services and combined residence and businesses other than a ~~Home Occupation~~ home occupation: a minimum of three ~~(3)~~ spaces for up to 500 square feet of gross floor area of the business; an additional one space per each additional 300 square feet of gross floor area of the business. This provision applies only in ~~PD~~ Planned Development zones.

109. Short term rental~~Vacation dwelling unit~~: A minimum of one off-street parking space per every two occupants allowed in the ~~V~~DU-STR unless an exception wa~~is~~ granted pursuant to Section 17.56.190 (6.26).M.6H.2.

C. Required parking spaces shall be located on the same lot with the use to be served. Required parking shall not be located closer than 20 feet to the intersection of street rights-of-way. Where 4four or more dwellings are located on the same lot, outdoor parking shall not be closer than 5five feet to any on-site ~~buildings~~building and not closer than 3three feet to any side or rear lot line. Where more than 4four parking spaces are required, they shall not be located so as to require backing into the public street right-of-way. Where parking spaces or an aisle serving a parking facility is adjacent to the UR or SR zones, a sight-obscuring fence at least 4four feet high shall be provided.

D. Any parking facility of 4four or more vehicles, including access driveways and aisles, shall be graded and drained to dispose of surface water to the satisfaction of the City Engineer, and shall be surfaced with concrete, asphaltic concrete, bituminous surface treatment or an equivalent satisfactory to the City Engineer, and shall be maintained in good condition free of weeds, trash and debris. Individual parking spaces shall be designated by contrasting paint or markers.

E. Driveways providing access to a parking facility shall be at least 12 feet wide for each lane of travel, and aisles providing access to parking spaces shall be as follows:

1. One-way aisle serving angle parking less than 50 degrees—12 feet wide;

2. One-way aisle serving angle parking 50 to 75 degrees, or two-way aisle serving angle parking less than 50 degrees—18 feet wide;

3. Two-way aisle serving angle parking 50 degrees or more, or aisle serving more than 75-degree angle parking—24 feet wide.

F. Parking facilities for nonresidential uses which will be used after dark shall be lighted;1 provided₁ that the light source shall be directed away from adjoining residential premises.

G. Required parking for residences and for uses requiring less than 4four parking spaces shall be graded and surfaced to provide an all-weather surface.

H. In the PD ~~P~~Planned Development zone, in lieu of providing parking facilities required by the provisions of this section, the requirements may be satisfied by payment to the City, prior to the issuance of the building permit, of an amount per parking space, prescribed by the City Council, for each parking space required by this section but not provided. The payment shall be deposited with the City in a special fund and shall be used, whenever possible, for the purpose of acquiring, developing, maintaining or enhancing parking facilities located, insofar as practical, in the vicinity of the use for which the payment is made. The Council may decline to accept payment in lieu of providing parking facilities.

Section 17.56.190-(6.26) Regulations for Short Term Rentals

Sections:

17.56.190-(6.26).A	Short t <u>T</u> itle
17.56.190-(6.26).B	Findings

17.56.190-(6.26).C	Purpose
17.56.190-(6.26).D	Definitions
17.56.190-(6.26).E	Application r Requirements
17.56.190-(6.26).F	Maximum n Number of Short Term Rentals
17.56.190-(6.26).G	Location
17.56.190-(6.26).H	One STR License p Per o Owner
17.56.190-(6.26).I	Effect on e Existing STRs
17.56.190-(6.26).J	License t Transferability
17.56.190-(6.26).K	Homeshare STR Licenses
17.56.190-(6.26).L	Resident STR Licenses
17.56.190-(6.26).M	STR s Standards
17.56.190-(6.26).N	Tourist o Occupancy t Tax
17.56.190-(6.26).O	Audit
17.56.190-(6.26).P	Dispute r Resolution
17.56.190-(6.26).Q	Administrative s Standards and r Rules
17.56.190-(6.26).R	Violations
17.56.190-(6.26).S	Ordinance r Review
17.56.190-(6.26).T	Severability

17.56.190-(6.26).A Short ~~t~~Title.

This Section shall be known and may be cited as “City of Trinidad Short Term Rental (~~STR~~) Ordinance.”

17.56.190-(6.26).B Findings

The City Council finds that adoption of a comprehensive code to regulate issuance of and standards for Short Term Rental Licenses is necessary to protect the public health, safety and welfare and to strike a proper balance between City residents’ concerns and the rights of property owners, STR owners and operators as well as visitors to the City. The City Council finds the regulation of short-term rental uses through this ~~Ordinance~~section, including its nontransferability provisions, to be a valid exercise of the ~~C~~city’s police power in furtherance of the legitimate governmental interests documented in this chapter.

17.56.190-(6.26).C Purpose.

The purpose of this ~~s~~Section is to establish a permitting process, together with appropriate standards that regulate short-term rental of dwellings in the City in order to: minimize negative secondary effects of ~~Short Term Rentals (STRs)~~ on surrounding residential neighborhoods; preserve the character of neighborhoods in which any such use occurs; ensure that STRs are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located; minimize impacts to coastal resources; provide for visitor services in accordance with the Coastal Act; and ensure STRs are consistent with all other provisions of the General Plan and Zoning Ordinance. This section addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of licenses issued to ensure long-term availability of the affordable housing stock and to ensure Trinidad has enough residents to maintain a viable community. This section also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

17.56.190-(6.26).D Definitions.

~~1. City Manager~~

~~“City Manager” means the City Manager of the City of Trinidad or their designee.~~

~~12. Dwelling.~~

“Dwelling” means a single family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

23. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings, of no more than the maximum allowed occupancy, consistent with normal residential use.

34. Existing STR.

“Existing STR” means an STR that had a valid STR License as of the effective date of this ordinance section.

45. Full-time STR

“Full-time STR” means any STR that is not a Homeshare STR or Resident STR.

56. Good Neighbor Contract & Good Neighbor Brochure.

"Good Neighbor Contract" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the contract shall include provisions for maximum occupancy and visitors, off-street parking, noise standards, and penalties for violations. The “Good Neighbor Brochure” is a brief summary of the Good Neighbor Contract, in a form approved by the City Manager, which may include additional information and suggestions for occupants for minimizing disturbance to neighbors and environmentally sensitive habitat areas. The Good Neighbor Brochure shall be posted or placed in a prominent location inside each STR.

67. Homeshare STR

“Homeshare STR” means a Short Term Rental whereby a homeowner rents out no more than one bedroom in their primary residence and is present on site between the hours of 10 p.m. PM to 7 a.m. AM while rented as an STR

78. Meet and gGreet

“Meet and gGreet” means an in-person, on-site meeting at the STR between the property manager and the responsible person on the day of arrival, or no later than 12:00 p.m. on the morning after a late night arrival, at which time the parties will sign, date, and time stamp the Good Neighbor Contract to indicate it has been reviewed and the responsible person has not misrepresented their group during the reservation process.

89. Occupant.

“Occupant” within this section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein. As used in this Section, “occupant” does not include up to two children aged 12 or under.

940. Primary residence

“Primary residence” means the dwelling owned and occupied as the owner’s principle place of residence, where the homeowner lives more than 50% of the year. A person can only have one primary residence at any time.

104. Property manager

“Property ~~m~~Manager” or STR ~~m~~Manager means the designee(s) responsible for managing an STR, including authorizing rental contracts. The ~~p~~Property ~~m~~Manager may be the owner and/or the ~~l~~ocal ~~c~~ontact ~~p~~erson.

112. Resident STR

“Resident STR” means a Short Term Rental that is operated less than 60 nights per year and which is the owner’s primary residence, but the owner does not have to be in residence while the dwelling is rented as an STR.

123. Responsible ~~p~~erson.

“Responsible ~~p~~erson” Means the occupant of an STR who is at least twenty-five (25) years of age, who signs the Good Neighbor Contract and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this ~~s~~ection.

~~14. Short Term Rental (STR)~~

~~“Short Term Rental” (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month to month tenancy granted to the same renter for the same dwelling, (3) one less than 30 day rental per year, or (4) a house exchange for which there is no payment.~~

135. STR ~~w~~atch ~~l~~ist

“STR ~~w~~atch ~~l~~ist” means a list of one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

146. Transient ~~u~~se.

“Transient use” means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

157. Visitor.

“Visitor” means someone staying temporarily at an STR, such as guests of occupants, who is not an ‘occupant’ and not staying at the STR overnight.

17.56.190 ~~(6.26).~~E Application ~~r~~Requirements.

1. Initial Application.

- a. Each STR must procure an STR License. No additional business license is required for an STR. The STR License shall identify the existence of a STR at a particular address and declare the type of STR, number of bedrooms rented in the STR and its intended maximum occupancy.
- b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided. Applicants for a Homeshare or Resident STR License shall provide documentation that the property is owner’s ~~p~~Primary ~~r~~esidence.
- c. At the time of application for a new STR, the dwelling shall be subject to inspection by the Building Inspector. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulations. Prior to the issuance of the STR license, the owner of the dwelling shall make all

necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.

- d. Each application for an STR License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this ~~s~~Section.
- e. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice shall be combined with the distribution of contact information required in subsection 2.c below. STR License information, including, but not limited to, license number, address, maximum occupancy, ~~L~~ocal ~~c~~Contact ~~p~~Person, and 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number, will also be posted on the City's website.
- f. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the short term rental use of the residence. Such protective measures include, but are not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. Contact ~~i~~nformation.

a. Local ~~c~~Contact ~~p~~Person.

Each STR must designate a ~~L~~ocal ~~c~~Contact ~~p~~Person on the STR License form. That person may be the owner or the ~~p~~Property ~~m~~anager. The ~~L~~ocal ~~c~~Contact ~~p~~Person may designate a temporary ~~L~~ocal ~~c~~Contact ~~p~~Person for a specific rental night(s); that designation must be reported to the City at least 24 hours before the rental date. The ~~L~~ocal ~~c~~Contact ~~p~~Person, or their temporary designee, must live within 20 miles of Trinidad and be able to respond personally to an STR concern within 30 minutes.

b. 24-~~h~~Hour ~~c~~Contact ~~p~~Phone ~~n~~Number.

A 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number is required for each STR. The 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number shall be prominently placed for the occupants' use inside the STR. Any change to the 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number shall be promptly posted within the STR and provided to the Trinidad City Clerk at least 15 days prior to any change. A temporary ~~L~~ocal ~~c~~Contact ~~p~~Person designee shall use the same ~~c~~Contact ~~p~~Phone ~~n~~Number as the ~~L~~ocal ~~c~~Contact ~~p~~Person.

c. Distribution of ~~c~~Contact ~~i~~nformation

The name of the ~~L~~ocal ~~c~~Contact ~~p~~Person and 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number will be forwarded by the City Clerk to the Trinidad Police Department, the Humboldt County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 300 feet of the STR, and posted on the City's website within 10 business days after the issuance or reissuance of an STR License for the STR.

The contact information sent to neighbors may include further instructions in the case that a response from the ~~L~~ocal ~~c~~Contact ~~p~~Person is not forthcoming. If there is an emergency or complaint, and the ~~L~~ocal ~~c~~Contact ~~p~~Person does not respond within a reasonable period of time, concerned persons will be encouraged to report an emergency through the 911 emergency calling system or the ~~p~~Police or ~~s~~Sheriff's ~~d~~Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with an STR.

3. STR License ~~r~~Renewals.

STR ~~L~~icenses shall be renewed annually. Renewals must be submitted by February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not had an initial inspection as required by §17.56.190.E.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of a STR License for an existing STR will be approved as long as all applicable standards are still met unless or until such time as the permit is revoked pursuant to §17.56.190.R.4 (~~6.26.R.4-Revocation~~) or 17.56.190.M14 (~~6.26.M.14-Minimum Activity~~) or until the STR license expires pursuant to 17.56.190.J (~~6.26.J-License Transferability~~) or if it is voluntarily withdrawn.

4. Appeals

Appeals of staff determinations or decisions in accordance with this section shall be appealable per section 17.72.100 (~~7.14~~) except that STR License decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section 17.72.100.D (~~7.14.D~~), fees for appeals of STR License decisions shall be set by resolution of the City Council.

5. Fees

Fees for initial applications and renewals for each type of STR shall be set by resolution of the City Council.

6. Application w~~W~~ait ~~L~~ist & ~~L~~ottery

It is the City's intention to maintain no more than 18 Full-time STR Licenses and 6 Resident STR Licenses in the Urban Residential (UR) Zone, 7 Full-time STR Licenses in the Suburban Residential (SR) Zone and no more than a total of 32 Full-time STR Licenses City-wide. When an STR license becomes available within one of those limits, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each type of STR License by zone as needed, of property owners who are interested in obtaining an STR License for their dwelling. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate type of license and zone. If the property meets the applicable location standards (§17.56.190.G (~~6.26.G~~)), that owner will have 45 days to submit a complete STR License application, along with any other associated license or permit applications (Use Permit, OWTS Operating Permit, etc.) that may be required. If the property owner does not obtain an STR License within 90 days, or if the property does not meet the applicable location standards, the City will draw another name from the waiting list for that zone and STR type.

17.56.190-~~(6.26)~~.F Maximum ~~n~~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 ~~L~~icenses shall be issued by the City if the total number of Full-time STR Licenses would exceed 18 in the UR Zone or ~~seven~~7 in the SR Zone, with no limit in other zones, except that no more than a total of 32 Full-time STRs shall be allowed within City limits at any one time. An additional ~~six~~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.

17.56.190-~~(6.26)~~.G Location.

STR's are permitted only in legally established dwelling units 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 shall be located where it shares a property boundary with a property containing another STR.

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.

17.56.190-~~(6.26)~~.H Number of STR Licenses ~~p~~Per ~~o~~Owner

No new STR ~~L~~icense shall be issued for a property in the UR or SR Zones if the owner already holds another STR license in the UR or SR Zones unless there are fewer than the maximum number allowed pursuant to §17.56.190.F-~~(6.26.F)~~ and no other names on the wait lists. No more than a total of two Full-time STR licenses may be held by one property owner, regardless of the zone. These limitations shall not apply to renewals of existing STR licenses.

17.56.190-~~(6.26)~~.I Effect on ~~e~~Existing ~~Vacation Dwelling Units~~STRs.

Existing STRs, in excess of the number allowed in §17.56.190.F, or that do not meet the location requirements of §17.56.190.G-~~(6.26.G)~~, shall be allowed to continue to operate under an STR ~~L~~icense as long as the ~~permit License~~ is renewed in accordance with §17.56.190.E.3-~~(6.26.E.3)~~ unless or until such time as the ~~permit License~~ is revoked pursuant to §17.56.190.R.4 (~~6.26.R.4, Violations~~) or 17.56.190.M.14 (~~6.26.M.14, Minimum Activity~~) or until the STR ~~L~~icense expires pursuant to 17.56.190.J (~~6.26.J, License Transferability~~).

17.56.190-~~(6.26)~~.J. License ~~t~~ransferability

An STR License is issued to a property owner for a single location. The STR License shall be revoked when the permit holder sells or transfers the real property which was rented pursuant to the STR License except as provided below. For purposes of this section, "sale or transfer" means any change of ownership during the lifetime of the license holder or after the death of the ~~permit License~~ holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner's death to a trust which benefits only a spouse for the spouse's lifetime, or lifetime transfers between spouses. If the owner is a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, then "sale or transfer" shall mean a change in 50% or more of the shareholders or members or partners or beneficiaries. An STR ~~L~~icense holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to ~~permit~~ revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the ~~transient rental permit~~STR License held by the transferor shall be revoked.

17.56.190-~~(6.26)~~.K Homeshare STR Licenses

Homeshare STR Licenses allow owners, in their ~~p~~Primary ~~r~~esidence, to rent up to one bedroom as an STR, and the owners must be present at night as host during STR use. Homeshare STRs are subject to all the provisions of this ~~ordinance (section)~~ except the following:

17.56.190-~~(6.26)~~.F Maximum ~~n~~Number of Short Term Rentals

17.56.190-~~(6.26)~~.G Location

17.56.190-~~(6.26)~~.H One STR License ~~p~~Per ~~o~~Owner

17.56.190-~~(6.26)~~.M.14 Minimum ~~a~~Activity

17.56.190-~~(6.26)~~.L Resident STR Licenses

Resident STR Licenses only allow STR use up to 59 nights per year. Resident STRs are subject to all the provisions of this ~~ordinance~~(section) except the following:

17.56.190-~~(6.26)~~.M.14 Minimum ~~a~~Activity

17.56.190-~~(6.26)~~.M STR ~~s~~Standards

All STRs will be required to meet the following standards:

1. Transmittal of ~~r~~Rules and Good Neighbor Contract

Prior to rental of an STR, the ~~r~~Responsible ~~p~~Person shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The ~~r~~Responsible ~~p~~Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their deposit and / or be evicted. In addition, the ~~p~~Property ~~m~~Manager, shall conduct a Meet and Greet in order to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR.

2. Noise.

Occupants of STR properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 p.m. and before 7:00 a.m. should be contained within the STR and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any City noise standards or ordinances.

3. Number of ~~o~~Occupants.

The maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented. Except that in the UR Zone, on lots less than 10,000 sq. ft. in area, the maximum occupancy is two people per bedroom (e.g. a two bedroom STR in the UR zone may have four occupants). In the SR Zone, if the STR has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

4. Visitors.

The number of visitors to an STR shall be limited to not more than the allowable occupancy- of the STR at any time. For example, if the maximum occupancy is ~~six~~6, then no more than ~~six~~6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

5. Guest ~~r~~Registry

The STR ~~m~~Manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names, and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

6. Off-~~s~~Street ~~p~~Parking.

An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section 17.56.190-(6-26).M.3. The off-street parking space(s) shall be entirely on the STR property. -STRs shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license in good standing. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

7. Water ~~u~~Use.

To prevent overloading of septic systems, each STR shall be operated in a manner to ensure that the occupancy and use of an STR shall not result in annual domestic water use greater than that associated with the non-STR use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit ~~or~~ file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the STR License and application materials to allow for verification that the STR water use did not exceed allowable volumes as described above.

If the City determines that the STR use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the STR ~~m~~Manager shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the STR.

8. Septic ~~s~~System.

Each ~~p~~Property ~~m~~Manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each kitchen and bathroom in the STR.

9. Appearance and ~~v~~Visibility.

The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160-(6-16)). The STR shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

10. Signs.

A single sign, legible from the property's street frontage, and no greater than ~~three~~3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide the 24-hour ~~c~~Contact ~~p~~Phone ~~n~~Number for complaints, and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

11. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the STR.

12. Traffic.

Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. -What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

13. Tenancy.

The rental of an STR shall not be for less than two successive nights.

14. Minimum ~~a~~Activity.

A Full-time STR shall be rented for a minimum of 60 nights per year in order to maintain an STR License. If the STR ~~m~~Manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

15. Emergency ~~p~~Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the ~~vacation rental~~STR in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Trinidad Volunteer Fire Department siren and real emergencies shall be included.

17.56.190-~~(6.26)~~.N Tourist ~~o~~Occupancy ~~t~~Tax.

The letting, leasing, or other contractual use of an STR is subject to a Tourist ~~o~~Occupancy ~~t~~Tax ("TOT") and any other mandated taxes. Each STR ~~m~~Manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190-~~(6.26)~~.O Audit & ~~i~~Inspection

Each ~~p~~Property ~~m~~Manager shall provide access to each STR for inspection and any records related to the use and occupancy of the STR to the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this ~~s~~Section are being fulfilled.

17.56.190-~~(6.26)~~.P Dispute ~~r~~Resolution.

By accepting a STR License, STR owners agree to- act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a STR, including engaging in mediation, at owners' expense. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190-~~(6.26)~~.Q Administrative ~~s~~Standards and ~~r~~Rules

The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this ~~s~~Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this ~~s~~Section. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the ~~o~~Office of the City Clerk and posted on the City's website.

17.56.190-~~(6.26)~~.L Violations

1. Penalty

It is unlawful to violate the provisions of this ~~s~~Section. Violations of this ~~s~~Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 ~~(7.20)~~ of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these STR regulations by way of nuisance abatement action pursuant to Chapter 8.12 of the ~~Municipal Code~~ ~~TMC~~. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Fines

- (a) The City Manager shall be authorized to impose administrative penalties for the violation of any provision of this section ~~or ordinance~~ in an amount not to exceed a maximum of \$1000 per day for each continuing violation, except that the total administrative penalty shall not exceed \$100,000 exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.
- (b) In determining the amount of the administrative penalty, the City Manager may take any or all of the following factors into consideration:
 - (i) The duration of the violation;
 - (ii) The frequency, recurrence and number of violations, related or unrelated, by the same violator;
 - (iii) The seriousness of the violation;
 - (iv) The effect the violation may have upon adjoining properties;
 - (v) The good faith efforts of the violator to come into compliance;
 - (vi) The economic impact of the penalty on the violator; and/or
 - (vii) The impact of the violation on the community.
- (c) In most cases, initial fines will start at \$200, with higher amounts reserved for exceptional situations like, repeated violations, failures to promptly correct violations, or deliberate violations of this Section.
- (d) Occupants shall be fined if they do not rectify the situation within 30 minutes after being contacted by the ~~l~~ocal ~~c~~ontact ~~p~~erson. Fines for violations by STR occupants shall be paid to the City by the ~~p~~roperty ~~m~~anager.

3. Property ~~w~~atch ~~l~~ist

Upon a determination of good cause including but not limited to one or more significant violations, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the ~~p~~roperty ~~w~~atch ~~l~~ist; (2) placement or imposition of special conditions or performance standards for ~~o~~wners, ~~o~~wner's ~~a~~gents, ~~l~~ocal ~~c~~ontact ~~p~~ersons, and their affected STRs on the ~~p~~roperty ~~w~~atch ~~l~~ist; and (3) and removal of an STR from the ~~p~~roperty ~~w~~atch ~~l~~ist.

4. Revocation

If the ~~p~~roperty ~~m~~anager is deemed by the City Manager to be negligent in responding to a complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the STR License may be revoked. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the ~~l~~ocal ~~c~~ontact ~~p~~erson as set forth in the STR application. Revocation may be temporary or permanent depending on the nature and number of the violations.

5. Appeals

Appeals of City Manager determinations or decisions regarding violations, penalties and fines shall be appealable per Section 17.72.100 ~~(7.14)~~ except that such determinations and decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section 17.72.100.D ~~(7.14.D)~~, fees for appeals of violation and penalty decisions shall be set by resolution of the City Council.

6. Complaints

Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk's office by the Local Contact Person within two business days of being received; failure to do so is a violation of this ordinance.

7. Significant ~~v~~Violations

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable to unwilling to rectify the situation within 30 minutes, and / or when public safety personnel must be called to assist in resolving the situation, or that causes substantial disturbance to the neighbors or neighborhood.

Examples of significant violations include, but are not limited to:

- (i) Failure of the Local Contact Person to respond to a complaint within 30 minutes.
- (ii) The inability of City staff or the Sheriff's Dispatch to reach thea local contact person.
- (iii) Failure of the Local Contact Person to report two or more complaints to the City.
- (iv) Failure to maintain or provide the required guest registry.
- (v) Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H ~~(6.26.H)~~.
- (vi) Failure to notify City staff when the contact person or contact information changes.
- (vii) Failure to pay fees or TOT in accordance with this sSection.
- (viii) Providing false or misleading information on an STR License application or other documentation as required by this sSection.
- (ix) Violations of state or Humboldt County, or City health regulations
- (x) Repeated minor violations and / or complaints

Examples of acceptable documentation of significant violations include, but are not limited to:

- (i) Copies of citations, written warnings or other documentation filed by law enforcement.
- (ii) City file information.
- (iii) Advertisements for the STR
- (iv) Signed affidavits and / or photographic evidence from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.

The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this ~~s~~Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

7. False ~~r~~Reports and ~~c~~Complaints

It is unlawful to make a false report to law enforcement or City officials regarding activities associated with short term rentals.

17.56.190-~~(6.26)~~.S Ordinance ~~r~~Review

The~~is~~ ~~STR O~~rdinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

17.56.190-~~(6.26)~~.T Severability

Should any subsection or provision of the~~is~~ ~~STR O~~rdinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Chapter 17.60

Sec. 6.19. Design review and view preservation regulations

DESIGN REVIEW AND VIEW PRESERVATION

Sections:

17.60.010 Design Review and view preservation regulations.

17.60.020 Purpose.

17.60.030 Approval required for construction.

17.60.040 Design criteria.

17.60.050 View protection criteria.

17.60.060 Review procedure.

17.60.010 Design Review and view preservation regulations.

The following regulations in this chapter shall apply to all zones.

17.60.020 A. Purpose.

The small scale of the community and its unique townscape, 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~~ The Design Assistance Committee will review new developments to ensure their consistency with the character of the City and minimize their impact on important vistas.

17.60.030 B. Applicability Approval required for construction.

Relocation, construction, remodeling or additions to structures, and alterations of the natural contours of the land shall not be undertaken until approved by the Design Assistance Committee. Approval need not be obtained for remodeling that does not affect the external profile or appearance of an existing structure. Approval need not be required for exterior painting and maintenance, accessory structures of less than 500 square feet in floor area and less than 15 feet in height, changes in landscaping, and site excavation or filling more than 100 feet from any perennial stream or the mean high tide line which will not change the existing elevation more than 2two feet at any point, and if exempt from a Coastal Development Permit as specified in ~~Section 7.12 of the Zoning Ordinance~~ TMC 17.72.070 and pursuant to any applicable categorical exclusions.

17.60.040 C. Design criteria.

The Design Assistance Committee shall be guided by the following criteria when evaluating land form alterations and construction of structure:

1A. The alterations 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.

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

3C. 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~~ manmade surroundings. ~~Pre-set~~ Preset architectural styles (e.g., standard fast food restaurant designs) shall be avoided.

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

5E. On-premises signs should be designed as an integral part of the structure and should complement or enhance the appearance of the surrounding area.

6F. New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.

7G. Off-premises signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should have a single design theme.

8H. When reviewing the design of commercial or residential buildings, the ~~committee~~**DAC** 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:

a)1. Residences of more than 2,000 square feet in floor area and multiple-family dwellings or commercial buildings of more than 4,000 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.

b)2. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.

17.60.050 D-View protection criteria.

The ~~D~~esign ~~A~~ssistance ~~C~~ommittee shall be guided by the following criteria when evaluating the impact of new development on public and private vistas of important scenic attractions:

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

2B. Structures, including fences over ~~3~~three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in ~~(3) below~~subsection (C) of this section.

3C. The ~~committee~~**DAC** shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least 15 feet in height and 1,500 square feet in floor area; residences of greater height, as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in ~~(2) above~~subsection (B) of this section. Regardless of the height or floor area of the residence, the ~~committee~~**DAC**, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it presents the least possible view obstruction.

4D. If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.

5E. The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations 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.

17.60.060 F-Review ~~procedures~~procedure.

The Design Assistance Committee shall prescribe application forms and information requirements for use by those proposing activities subject to design assistance review. If a Use Permit, Coastal Development Permit or other approval is required by the Planning Commission or City Council, the review of the design shall be subsequent to other permit considerations and may occur at the same meeting, subject to fulfillment of public notification requirements. Otherwise the procedure for submittal and consideration of the application shall be the same as for a Use Permit as provided in Article 7 Chapters 17.68 through 17.76 TMC. Where view considerations are involved, the applicant is encouraged to contact property owners within 100 feet and show them the layout and profile of the proposed structure. The ~~committee~~ DAC shall not approve any application unless it finds that all of the applicable criteria have been considered and the minimum adjustments required to achieve the objectives applicable to the area where the development is located.

Chapter 17.64

Sec. 6.20. NONCONFORMING USES AND STRUCTURES

Sections:

17.64.010 Nonconforming uses and structures.

17.64.020 Nonconforming lots.

17.64.030 Nonconforming RV and mobilehome uses and parks.

17.64.040 Nonconforming off-street parking.

17.64.050 Underground utilities.

17.64.060 Land acquisition by public agency.

17.64.010 Nonconforming uses and structures.

The lawful use of lands or structures existing on the effective date of ~~these~~the regulations codified in this title, although such use or structure does not conform to the regulations applied to such property or structure, may be continued, except as provided ~~herein~~as follows:

A. Any structure conforming as to use but not conforming as to lot area, yards, height or other requirements herein at the effective date of the ordinance codified in this title may be altered, repaired or extended; provided, that such alteration, repair, or extension shall not increase the existing degree of nonconformance.

B. If any ~~non-conforming~~nonconforming building is destroyed to the extent that the cost of repair, using new materials, exceeds 60 percent of the current value of the structure, then the building shall become subject to all regulations in the applicable zone except as provided in ~~Section 6.19, Chapter 17.60 TMC~~. The repair of a partially destroyed building shall commence within ~~one~~ year and an additional ~~six~~ months shall be allowed for the completion of the exterior of any reconstruction.

C. Any change of a ~~non-conforming~~nonconforming use shall be to a conforming use, and a ~~non-conforming~~nonconforming use which has been discontinued for a period of one year or more shall not be reestablished. A ~~non-conforming~~nonconforming use of a part of a lot or a structure shall not be extended throughout the lot or structure.

D. Any use for which a Use Permit is required by these regulations shall be considered a ~~non-conforming~~nonconforming use until a Use Permit is obtained.

E. Any signs existing on the effective date of ~~this~~the ordinance codified in this title, but not conforming to the provisions of this ~~ordinance~~title, shall be permitted to continue for a period of ~~3~~three years from the effective date of the ordinance codified in this title and shall be removed or conformed on or before that date. Signs advertising a discontinued use shall be considered ~~non-conforming~~nonconforming and shall be removed within 30 days of the discontinuance.

17.64.020 Sec. 6.21. Non-conformingNonconforming lots.

If a lot was delineated on a recorded subdivision map, or was lawfully established as a separate lot on the effective date of ~~these~~the regulations codified in this title, and such lot does not conform to the minimum lot area of the zone in which it is located, it shall be considered a legal building site for uses permitted in the pertinent zone, even if the owner of said lot has at any time owned land contiguous to said lot, provided all other requirements of this ~~ordinance~~title and other applicable City ordinances and standards can be satisfied.

17.64.030 Sec. 6.22. Non-conformingNonconforming RV and mobilehome uses and parks.

A. Recreational vehicles and mobilehomes used as a permanent residence, existing within the confines of a legally established recreational vehicle park or mobilehome park on the effective date of ~~this~~the ordinance codified in this title, may continue to be used as a permanent residence, provided the vehicle is at least 100 square feet in floor area, conforms to the pertinent ~~State of California~~state construction requirements, and contains at least 100 square feet of floor area per occupant. Recreational vehicles and mobilehomes existing on the date of ~~this~~the ordinance codified in

this title that do not meet these requirements shall be discontinued as a permanent residence within one year of the date of ~~this~~the ordinance codified in this title.

B. Recreational vehicle parks and mobilehome parks existing on the date of ~~this~~the ordinance codified in this title that do not comply with the density or other regulations herein pertaining to such facilities shall be considered a legal ~~non-conforming~~nonconforming use, provided such facility shall in no way be altered so that it in any way increases its ~~non-conformance~~nonconformance. Any expansion of such facilities shall comply with all requirements herein stated.

17.64.040 ~~Sec. 6.23. Non-conforming~~Nonconforming off-street parking.

Off-street parking facilities existing at the time ~~this~~the ordinance codified in this title is adopted, incidental to a lawfully established use, but which are ~~non-conforming~~nonconforming as to the provisions of this ~~ordinance~~title shall be considered the required off-street parking for that specific use. Any change in the use, the building, or the parking facilities shall be subject to the following provisions:

A. An existing parking facility, incidental to a lawfully established use, shall not be reduced in area or redesigned so that the facility is less in conformance with the provisions of this ~~ordinance~~title in any respect, unless the end result is an equivalent number of off-street parking spaces, or the required number of parking spaces, whichever is the lesser, as required by this ~~ordinance~~title.

B. If a building or use is expanded, parking as required by ~~the ordinance~~this title shall be provided for the expanded portion of the use. Any existing parking shall be retained, or be replaced by an equivalent number of off-street parking spaces, or the required number of spaces, whichever is the lesser, as required by this ~~ordinance~~title. If the number of spaces required for the expansion is greater than the number required herein for the existing building, then any existing parking area shall be brought into conformance with the requirements of this ~~ordinance~~title.

C. If the use of land or a building is changed to a use with a greater parking requirement, parking equal to the difference between the requirement for the existing and the proposed use, as contained herein, shall be provided in accordance with the provisions of this ~~ordinance~~title. Existing parking shall be retained or be replaced by an equivalent number of off-street parking spaces, or the required number of spaces, whichever is the lesser, as provided by ~~the ordinance~~this title.

17.64.050 ~~Sec. 6.24. Underground utilities.~~

All utility connections, including telephone and electricity, for new buildings, shall be located underground in the ~~C~~eommercial, ~~P~~public and ~~R~~religious, ~~P~~planned ~~D~~development, ~~V~~visitor ~~S~~services, ~~S~~special ~~E~~environment and ~~O~~open ~~S~~space zones, and undergrounding may be required by the ~~D~~design ~~A~~assistance ~~C~~eommittee in the ~~S~~suburban ~~R~~residential and ~~U~~urban ~~R~~residential zones when necessary to protect important scenic views from public vantage points.

17.64.060 ~~Sec. 6.25. Land acquisition by public agency.~~

A. A public agency considering the acquisition of land in the ~~C~~eity shall submit to the ~~C~~eity a report identifying the proposed acquisition area, existing site characteristics, proposed changes in use, proposed structures and improvements, and an assessment of environmental impacts or impacts on ~~C~~eity services and finances that could result from the proposed acquisition and development.

B. The report shall be reviewed by the Planning Commission and the City Council. The City Council shall submit written comments to the agency, indicating its concerns and preferences, within 30 days of report submittal. Upon written acknowledgment of receiving the ~~C~~eity's comments, the agency may proceed with the acquisition. The same review process shall apply when an agency intends to change the use or make facility changes on their lands. Until the zoning of acquired lands has been changed to permit the intended uses, public agencies shall not proceed with site improvements or use of the land. The ~~C~~eity shall not be obligated to provide public services when the use or development of public lands is inconsistent with the provisions of this ~~ordinance~~title.

Chapter 17.68

Article 7. Procedures and Administration

AMENDMENTS

Sections:

17.68.010 Generally.

17.68.020 Initiation of amendments.

17.68.030 Amendment procedures.

17.68.040 Notification requirements for amendments.

17.68.050 Effective date of amendments and incorporation in Local Coastal Program.

17.68.010 Sec. 7.01 Amendments to Zoning Ordinance Generally.

The Trinidad Zoning Ordinance, as adopted by the ~~Trinidad~~ City Council, may be amended pursuant to the requirements of this ~~Article~~ chapter.

17.68.020 Sec. 7.02 Initiation of amendments.

An amendment to the text of the Zoning Ordinance may be initiated by motion of the City Council on its own initiative, or by the Planning Commission on its own initiative. Amendment to the zoning map may be initiated by the owner of the subject property, or authorized agent for the owner, or by the City Council on its own initiative, or by the Planning Commission on its own initiative. Any person authorized to undertake a public works project or proposing an energy facility development may initiate an amendment by requesting the ~~C~~city to amend this ~~ordinance~~ title if the purpose of the proposed amendment is to meet the public needs of an area greater than the ~~C~~city that had not been anticipated by the person making the request at the time the Trinidad General Plan was adopted.

17.68.030 Sec. 7.03 Amendment procedures.

A. The filing of an application for an amendment to the Zoning Ordinance, the payment of fees, notice of hearing, and procedural requirements shall be as prescribed herein and in ~~Sections 7.15, 7.16~~ TMC 17.72.110, 17.72.120 and ~~7.17, 7.72.130~~.

B. The Planning Commission or Hearings Officer shall hold a public hearing on proposed amendments to the Zoning Ordinance. At the public hearing the Planning Commission or Hearings Officer shall hear any person interested in the proposed amendment. The hearing may be continued from time to time. Within 40 days of the conclusion of the hearing, the Planning Commission or Hearings Officer shall submit to the City Council a written report of recommendations and reasons thereof, including the relationship of proposed zoning amendments to the General Plan. The Planning Commission or Hearings Officer shall not hold a hearing on a proposed amendment to the Zoning Ordinance less than ~~2~~two weeks after final City Council action on a related change in the General Plan.

C. If, after the hearing is closed, the Planning Commission or Hearings Officer recommends approval of the proposed amendment, the City Council, upon receipt of the report, shall set the matter for public hearing. The City Council may approve, modify or disapprove the recommendation of the Planning Commission or Hearings Officer, provided, that any modification proposed by the City Council not previously considered by the Planning Commission or Hearings Officer during their hearing shall first be referred to the Planning Commission or Hearings Officer for report and recommendation, but the Planning Commission or Hearings Officer shall not be required to hold a public hearing thereon. Failure to report within 40 days after the referral shall be deemed to be Planning Commission or Hearings Officer approval of the proposed modification.

D. If the Planning Commission or Hearings Officer has recommended against the adoption of an amendment, the City Council shall not be required to take any further action thereon unless an interested party shall request such hearing by filing a written request with the City Clerk within 10 working days after the Planning Commission or Hearings Officer files its recommendation with the City Council.

E. The City Council shall reach a decision not later than 40 days after the conclusion of the City Council hearing or not later than 40 days after the filing of a report, or the deadline for submitting such a report by the Planning Commission or the Hearings Officer on a referral from the City Council. Failure of the City Council to adopt the proposed amendment within the period set forth in this section shall be deemed to be a denial of such a proposed amendment.

17.68.040 ~~Sec. 7.04~~ Notification requirements for amendments.

In addition to notification required by ~~Sec. 7.TMC~~ 17.72.130, notice of proposed amendments to the Trinidad Zoning Ordinance shall be mailed to the California Coastal Commission and other interested public agencies and persons at least 10 working days prior to the date of the first public hearing before the Planning Commission. The City Council shall not take final action on an amendment until at least ~~6~~six weeks after notice has been sent.

17.68.050 ~~Sec. 7.05~~ Effective date of amendments and incorporation in Local Coastal Program.

Amendments to the Zoning Ordinance shall take effect 30 days after City Council adoption of the amending ordinance subject to certification by the Coastal Commission. The City Clerk shall, within ~~5~~five working days of the adoption of the amending ordinance, forward a copy to the executive director of the California Coastal Commission. ~~Before the expiration of the 30-day period, the executive director shall notify the city in writing if the amendment needs to be certified as part of the Trinidad Coastal Program coastal program and whether the amendment is considered a major or minor amendment pursuant to the provisions of Section 30514(e) of the Coastal Act.~~ Amendments that are determined to be minor shall become part of the Trinidad Local Coastal Program on the effective date of the ~~C~~eity ordinance or the ~~10th~~tenth working day following designation as a minor amendment, whichever occurs last. Major amendments, including any amendment that allows changes in uses, shall become part of the Trinidad Local Coastal Program at the time the California Coastal Commission certifies the amendment as adopted by the ~~C~~eity. If the Coastal Commission certifies the amendment subject to conditions or changes, the amendment shall not become part of the Trinidad Local Coastal Program until by resolution the City Council concurs in any conditions, or by ordinance adopts any changes and such ordinance has become effective.

Chapter 17.72

VARIANCES, CONDITIONAL USE PERMITS, COASTAL DEVELOPMENT PERMITS, AND DESIGN

REVIEW

Sections:

- 17.72.010 Initiation of procedure.
- 17.72.020 Required hearings.
- 17.72.030 Variance findings.
- 17.72.040 Conditional Use Permit findings.
- 17.72.050 Imposition of conditions.
- 17.72.060 Effective dates.
- 17.72.070 Coastal Development Permits.
- 17.72.080 Emergency permits.
- 17.72.090 Revocations.
- 17.72.100 Appeals.
- 17.72.110 Application form.
- 17.72.120 Application fees.
- 17.72.130 Hearing notification.
- 17.72.140 Notice of final decision.
- 17.72.150 Costs of notification to interested persons.

17.72.010 ~~Sec. 7.06. Initiation, application, fees and procedures for variances, conditional use permits and design review of procedure.~~

The initiation of a Variance, Conditional Use Permit, Coastal Development Permit, or Design Review action, the filing of an application, the payment of fees, and notification of hearings shall be as specified in Section 7-TMC 17.72.130.

17.72.020 ~~Sec. 7.07. Required hearings.~~

A. The Planning Commission or Hearings Officer shall consider all applications for Variances, ~~and~~ Conditional Use Permits ~~and Coastal Development Permits~~. The Design Assistance Committee shall consider all applications for Design Review.

B. At least one public hearing shall be held on each application for a Variance, Conditional Use Permit, Coastal Development Permit, or Design Review. Where a development involves applications for a combination of a Variance, Conditional Use Permit, Coastal Development Permit, or Design Review, the required hearings may be scheduled concurrently.

C. The hearing shall be scheduled for the first regular Planning Commission or Hearings Officer meeting occurring more than 10 days from the date of application. At the public hearing the Planning Commission or Hearings Officer shall hear any person interested in the proposal. ~~The hearing may be continued from time to time provided that~~ The failure to act within 90 days of the date of the first hearing shall be deemed to be approval of the application on that date. The applicant may waive the time limitation in writing if additional time is needed to consider the application.

17.72.030 ~~Sec. 7.08. Variance findings.~~

A Variance may be granted only upon adoption of written findings showing that all of the following conditions are present:

A. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class or district; and

B. That owing to such exceptional or extraordinary circumstances the literal enforcement of specific provision of this ~~ordinancetitle~~ would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property; and

C. That such ~~V~~variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties; and

D. That such ~~V~~variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district; and

E. That the granting of such ~~V~~variance will not be materially detrimental to the public welfare or materially injurious to the property or improvement in the vicinity; and

F. That the granting of such ~~V~~variance will be consistent with the general purpose and intent of this ~~ordinancetitle~~ and will be in conformity with the policies and programs of the ~~G~~general ~~P~~lan and the Trinidad ~~L~~ocal Coastal Program; and

G. That the ~~V~~variance will not permit a use other than a use permitted in the applicable zoning district; and

H. That either the ~~V~~variance 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 ~~V~~variance may have on the environment;

I. 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 the mean high tide line 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 landforms;
5. The development complies with shoreline erosion and geologic setback requirements.

17.72.040 ~~Sec. 7.09.~~ Conditional ~~U~~se ~~P~~ermit findings.

A ~~C~~onditional ~~U~~se ~~P~~ermit 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 for, and compatible with, the neighborhood or the community; ~~or~~and

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 ~~ordinancetitle~~, 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 Local Coastal Program- ~~and~~

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 ~~Ce~~conditional ~~U~~use ~~P~~permit may have on the environment-; ~~and~~

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 tide line 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 landforms-;
5. The development complies with shoreline erosion and geologic setback requirements.

17.72.050 ~~Sec. 7.10. Conditions~~Imposition of conditions.

In granting a ~~V~~variance, ~~Ce~~conditional ~~U~~use ~~P~~permit, or ~~D~~design ~~R~~review, the Planning Commission, ~~Hearings Officer~~, or ~~D~~design ~~A~~assistance ~~Ce~~committee shall impose such conditions as deemed necessary to carry out the intent and purpose of this ~~ordinance. The violation of specification or condition so imposed shall constitute a violation of this ordinance and may constitute grounds for revocation of the variance, conditional use permit or design review title.~~

17.72.060 ~~Sec. 7.11. Effective dates of variances, conditional use permits and design review.~~

Planning Commission approval of a ~~V~~variance or ~~Ce~~conditional ~~U~~use ~~P~~permit and ~~D~~design ~~A~~assistance ~~Ce~~committee approval of a ~~D~~design ~~R~~review application shall become final in 10 working days from the date "Notice of Action Taken" is received by the Coastal Commission, unless an appeal to the City Council has been taken within that time. Failure of the Planning Commission or ~~D~~design ~~A~~assistance ~~Ce~~committee to act within the time limits established in the Public Resources Code Sections 65950 and 65957 shall be considered approval of the application on the date the time limitation expires, and the approval shall become final 10 working days after Coastal Commission notification unless appealed to the City Council. City Council action on an appeal shall become final 10 working days from the date the Coastal Commission receives ~~the~~ Notice of Action Taken and findings in support of the action are adopted.

17.72.070 ~~Sec. 7.12. Coastal Development Permits.~~

~~(A). 1.~~ In conformance with Public Resources Code Section 30600, in addition to any other approval or permit required under this ~~ordinancetitle~~, and except as otherwise required under this title, and except as otherwise required by ~~the Trinidad Subdivision Ordinance Section 4.14, Grading Ordinance Section 2.3TMC Title 16, TMC 15.04.070, 15.16.100 or Building Regulation Ordinance Section 302(e)16.16.140~~ or as specifically excluded in ~~subpartsubsection~~ (B) ~~belowof this section~~, a Coastal Development Permit shall be required for any proposed use,

building or other development as defined in California Public Resources Code Section 30106. Upon approval of all required ~~V~~ariances, ~~C~~onditional ~~U~~se ~~P~~ermits or ~~D~~esign ~~R~~eview for any proposed use or building, a Coastal Development Permit shall be deemed approved and shall take effect 10 working days after the Coastal Commission receives notification unless within that time the approval is appealed to the City Council.

2. If a Coastal Development Permit is appealed to the City Council, notice as prescribed in ~~Section 7.TMC~~ 17.72.130 for a Conditional Use Permit shall be provided by the City Clerk to all interested persons and the Coastal Commission. Approval of Coastal Development Permit by the City Council on appeal shall become effective 10 working days after notice of approval and adoption of findings are received by the Coastal Commission. If a valid appeal is filed with the Coastal Commission within that time, the City approval shall be of no force and effect until the appeal has been decided by the Coastal Commission. Within ~~5~~five working days of receipt of notice from the Coastal Commission of the filing of a valid appeal, the City Clerk shall deliver to the ~~Coastal~~ Commission staff all relevant documents and materials used by the Planning Commission and City Council in their deliberations. Appeal of a Coastal Development Permit to the Coastal Commission shall be deemed valid if the appellant has exhausted all appeals as provided herein.

~~(B).~~ Except in the area identified in the map proposed as Appendix B— ~~(Areas Not Included in Exemptions to Coastal Development Permits)~~ **AREAS NOT INCLUDED IN EXEMPTIONS TO COASTAL DEVELOPMENT PERMIT**, the following categories of development shall not require a Coastal Development Permit:

1. ~~Construction of accessory structures or buildings of less than 500 square feet in floor area and less than 15 feet in height, changes in landscaping and site excavation or filling more than 100 feet from any perennial stream which will not change the existing elevation more than 2two feet at any point.~~
2. “Accessory structure or building” ~~shall mean: A~~means a detached and subordinate building or structure other than a sign, the use of which is incidental to that of a main building or use on that lot. On any lot which is located a dwelling, any building or structure which is incidental to the conducting of any agricultural use.

~~(C).~~ The following categories of development shall not require a CDP except in the Special Environment ~~z~~Zone:

1. ~~a. Fences up to 6six feet and freestanding masonry walls up to 36 inches in height;~~
 - b. Standard electrolier not over 35 feet in height above the finish grade;
 - c. Temporary structures built in conjunction with special events;
2. Any construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any building or structure less than any of the following criteria:
 - a. Curbs, retaining walls and planter boxes up to 18 inches in height;
 - b. A small tool or storage cabinet with not more than 100 square feet of projected roof area. Multiple cabinets shall require approval. Lot line setbacks are to be observed;
 - c. Television and radio antennas supported on roofs;
 - d. Low decks, up to 30 inches high, which are not more than 500 square feet in area;
 - e. Decks inside fenced areas which are not visible from the street;
 - f. Hot tubs not involving an enclosing structure;
 - g. Minor remodeling or repair which does not alter the external profile of the structure. This includes:
 1. Conversion of windows to sliding glass doors;

- ~~2~~ii. Alteration in window size;
- ~~3~~iii. Addition of a window where one does not currently exist;
- ~~4~~iv. Addition of vinyl or aluminum external siding in the same color and character of the existing siding;
- h. Existing porches up to 25 percent increase in area, not to include alterations of existing overhangs, or additions of overhangs;
- i. Solar heating systems with fixed solar panels not to exceed 180 square feet in area;
- ~~3~~ Any excavation or fill or combination thereof, less than both of the following criteria:
 - a. ~~1000~~One thousand square feet of surface area including the removal of ground cover. This does not include ground cover removed for agricultural or grading for road and trail maintenance purposes;
 - b. ~~50~~Fifty cubic yards of material. This shall not apply to any excavation or fill:
 - ~~4) b. i.~~ Within an Open Space or Special Environment ~~z~~Zone as provided in ~~the Trinidad Zoning Ordinance~~this title, or outside of the stable area as indicated ~~on~~ Plate 3 of the ~~G~~eneral ~~P~~lan ~~map~~. This does not include ground cover removal for road and trail maintenance purposes;
 - ii. Within a public sewer, water main, storm drain or powerline easements;
 - iii. Which will encroach upon or alter in any way a drainage channel, tidal area watercourse, floodplain or area subject to inundation. This does not include the maintenance of existing ditches.

~~(D)~~ The following types of projects are not development within the meaning of this section or California Public Resources Code Section 30106 and do not require a ~~C~~oastal ~~D~~evelopment ~~P~~ermit:

- ~~1~~ Exterior painting and maintenance;
- ~~2~~ Remodeling, which does not affect the external profile or appearance of the structure;
- ~~3~~ Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance and which do not aggregate over \$2,000 in valuation in any 12-month period and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically excepted from permit requirements without limit to valuation are:
 - a. Painting and decorating;
 - b. Installation of floor covering;
 - c. Cabinet work;
 - d. ~~Re-roofing~~Reroofing;
- ~~4~~ Awnings projecting not more than ~~6~~six feet attached to the exterior wall of buildings of Group R-3 or M occupancy.

17.72.080 ~~Sec. 7.24.~~Emergency ~~P~~ermits.

A. Emergency ~~C~~oastal ~~D~~evelopment ~~P~~ermits may be granted at the discretion of a local official designated by the City for projects normally requiring a Coastal Development Permit approval which must be undertaken as emergency measures to prevent loss of or damage to life, health or property, or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident.

B. Applications in cases of emergencies shall be made to the City by letter if time allows, and by telephone or in person if time does not allow.

C. The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;
4. The remedial, protective or preventive work required to deal with the emergency; and
5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

D. The City may request verification of the nature of and solutions to the emergency situation. Within 30 days of issuance of an emergency permit, the applicant shall submit a complete application for a Coastal Development Permit and any required technical reports.

E. The emergency work authorized under approval of any Emergency Permit shall be limited to activities necessary to protect the endangered structure or essential public service.

17.72.090 ~~Sec. 7.13. Revocation of variances, conditional use permits and design review~~ Revocations.

In any case where the terms and conditions of a grant of a Variance, Conditional Use Permit, Coastal Development Permit, or Design Review are not complied with, the Planning Commission shall give notice to the holder of such permit of its intention to revoke such permit. Permits may also be revoked if the Planning Commission determines that the notification requirements in ~~Sec. 7.04~~TMC 17.72.130 were not satisfied by the applicant. Procedures for the revocation of a permit shall be the same as for the original consideration except that the City Clerk shall assume all notification responsibility. If a Coastal Development Permit has been appealed to, and approved by, the Coastal Commission, the Coastal Commission may also initiate revocation proceedings pursuant to the requirements of the Coastal Act.

17.72.100 ~~Sec. 7.14.~~ Appeals.

In the case of any Variance, Conditional Use Permit, Design Review Permit, Coastal Development Permit, or denial of a proposed change in the Zoning Map by the Planning Commission, and in the case of any order, requirement, decision or other determination made by any City employee, the procedures for appeals shall be provided as follows:

A. Administrative Actions Appealable. Any person aggrieved by a determination, interpretation, decision, decree, judgment, or similar action taken by a City employee under the provisions of this ~~ordinance~~title may appeal such action to the Planning Commission within 10 working days of being notified of the decision.

B. Planning Commission or Hearings Officer Actions Appealable. Actions or appellate determinations of the Planning Commission may be appealed to the City Council by those interested persons who have communicated their comments at the Planning Commission or Hearings Officer hearing.

C. City Council Actions Appealable. Actions or appellate determinations of the City Council representing the approval of a Coastal Development Permit pursuant to ~~section 7.12~~TMC 17.72.080 may be appealed to the Coastal Commission for the reasons cited, and if the subject property is located within the area described in Public Resources Code Section 30603. Requirements for appealing decisions shall be as provided in the Coastal Commission ~~Regulations~~regulations.

D. Filing Requirements. Appeals to the Planning Commission, Hearings Officer or City Council shall be addressed to the appellate body on a prescribed form and shall state the basis of the appeal. Appeals shall be filed in the office

of the City Clerk within the appeal period provided in ~~Sec. 7.11~~, TMC 17.72.060. There shall be no fee for filing an appeal. The City Clerk shall determine from the records whether the appellant submitted comments on the issue being appealed to each previous appellate body. Only if such comments have been submitted shall an appeal be accepted, unless the appellant can demonstrate that there were valid reasons why he could not attend the hearings or submit written comments.

E. Notice of Hearing. A public hearing shall be conducted on all appeals. The notice and conduct of hearings by the appellate body shall be governed by the provisions of ~~Sections 7.15, 7.16~~ TMC 17.72.110, 17.72.120 and ~~7.17, 7.2.130~~ and shall conform to the manner in which the original notice was given and the original hearings were conducted, if any.

F. Time Limitation and Vote. The Planning Commission, Hearings Officer or City Council shall determine an appeal not later than 60 days following the date of the hearing. If both the applicant and the appellant consent in writing, the time limitation for a decision may be extended from time to time. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the appellate body.

G. Failure of Appellate Body to Act. Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.

H. Conditions and Findings. The appellate body may impose or prescribe conditions as are in its opinion necessary to serve the objectives of this title. The appellate body shall make a written determination of its decision together with its findings in support of the decision.

17.72.110 ~~Sec. 7.15~~. Application form.

Applications for ~~V~~variance, ~~C~~onditional ~~U~~se ~~P~~ermit, ~~C~~oastal ~~D~~evelopment ~~P~~ermit, ~~D~~esign ~~R~~eview, and amendment to the Land Use Map or Zoning Map shall be submitted to the City Clerk's office upon a prescribed form. Maps, drawings and such other information as specified on the application forms shall be provided in triplicate unless additional copies are specified herein. Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent, attesting to the truth and correctness of all facts, statements and information presented.

17.72.120 ~~Sec. 7.16~~. Application fees.

A. The City Council shall by resolution establish a schedule of fees, charges and expenses for ~~V~~variances, ~~C~~onditional ~~U~~se ~~P~~ermits, ~~D~~esign ~~R~~eview, ~~C~~oastal ~~D~~evelopment ~~P~~ermits and amendments to the Zoning Map and other matters pertaining to this ~~ordinancetitle~~. The schedule of fees may be changed or modified only by resolution of the City Council.

B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, or other matters for which a fee, charge or payment of expense is required by this ~~ordinancetitle~~ or the fee schedule resolution adopted pursuant ~~hereto~~thereto.

C. Any municipal, political or governmental corporation, district body, or agency is exempted from payment of any fee or charge in connection with an application for any ~~V~~variance, ~~C~~onditional ~~U~~se ~~P~~ermit, ~~D~~esign ~~R~~eview, ~~C~~oastal ~~D~~evelopment ~~P~~ermit, appeal or Zoning Ordinance amendment.

D. No fee, charge or expense shall be refundable except in any case where the Planning Commission or Hearings Officer determines and certifies any such fee or portion thereof has been received in error, in which case the amount received in error may be refunded.

17.72.130 ~~Sec. 7.17~~. Hearing notification.

A. For actions initiated by one or more property owners for a ~~C~~oastal ~~D~~evelopment ~~P~~ermit, ~~V~~variance, ~~C~~onditional ~~U~~se, ~~D~~esign ~~R~~eview or Zoning Map amendment, the following notification shall be required:

1. a. The applicant shall furnish to the City Clerk one stamped envelope addressed to the owner of each parcel of record within 100 feet of each boundary of the subject property for ~~V~~variance, ~~C~~onditional ~~U~~se, ~~C~~oastal

Development Permit, or Design Rreview applications and within 300 feet of each boundary for amendments to the Zoning Map.

b. The envelopes may be addressed to “owner” at the mailing address of the parcel. The applicant shall ascertain the name and address of the owner from the records of the County Assessor. The City Clerk shall use the envelopes to mail notice of the hearing at least 7seven days before the date of the hearing for a Variance, Conditional Use Permit, Coastal Development Permit, or Design Rreview, and at least 10 working days before the date of a hearing on a Zoning Map amendment.

c. The notice shall indicate that an application has been filed, the number assigned to the application, a description of the development and its proposed location, and the date, time, and place of the hearing. In addition to mailing notice to all those for whom envelopes have been provided, the City Clerk shall provide notice to the applicant and to all persons known or thought by the Clerk to have a particular interest in the application, including the Coastal Commission staff.

2. Between the time the application is accepted for filing and the date when notices must be mailed, the applicant must post a notice, at a conspicuous place, easily read by the public and as close as possible to the subject property. The City shall furnish the applicant with a standardized form to be used for such posting. In addition, the applicant shall at the same time obtain copies of the hearing notice from the City Clerk and shall distribute one to each place of business or residence in the notification area. If the applicant fails to so post the notice form, distribute notices, or to sign the declaration of posting and distribution no less than seven days prior to a Variance, Conditional Use, Coastal Development Permit, or Design Rreview hearing, and at least 10 working days prior to a Zoning Ordinance amendment hearing, or it is determined that the application is incomplete, the City Clerk shall withdraw the application from consideration and shall not mail out the hearing notices.

B. For actions initiated by the Planning Commission or City Council, the City Clerk shall provide notice as prescribed above and shall ~~public in a newspaper of general circulation in the city at least 10 working days prior to the hearing one post~~ notice of the time, place and purpose of the public hearing for 10 days in three conspicuous public places, to wit, the entrance to City Hall, Trinidad Post Office, and Trinidad Market; provided, however, that if the size of the subject area would require mailing notice to more than 50 property owners such notice may be inserted in the water bill mailing. ~~If only a change in the text of the Zoning Ordinance is proposed, posting notice in 3 locations within the city and newspaper notice shall be provided.~~ The City Clerk shall place in the file a written declaration of the means of notification used and certification of the date notification was mailed, ~~or posted or published.~~ Other means of notification, in addition to that required herein, may be used by the Planning Commission if deemed advisable.

17.72.140 ~~Sec. 7.175~~ **Notice of final decision.**

A. This section shall not apply to action on any development which is executed pursuant to ~~Sec. 7.12 (b) of this zoning ordinance.~~ TMC 17.20.070(B).

B. Within 7seven calendar days of a final action on any Coastal Development Permit the City Clerk shall provide notice of its action by first class mail to the Coastal Commission and to any person who specifically requested such notice pursuant to ~~Sec. 7.18.~~ TMC 17.72.150. Such notice shall include conditions of approval, written findings, a location and description of the project, and the procedures for appeal of the local decision to the Coastal Commission.

C. If the City has failed to take a final action on any Coastal Development Permit within the time limits set forth in Government Code Sections 65950 through 65957, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 through 65957 shall notify in writing the City Clerk and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

D. If the City Council determines that the time limits established pursuant to Government Code Sections 65950 through 65957 have expired, the City Clerk shall, within seven ~~(7)~~ calendar days of such determination, notify any

person entitled to receive notice pursuant to ~~paragraph subsection~~ (B) of this section that it has taken final action by operation of law pursuant to Government Code Sections 65950 through 65957. The appeal period for developments approved by operation of law shall begin to run only upon the receipt of the Ceity's notice in the Coastal Commission office. (This section shall also apply to any judicial determination that the development has been approved by operation of law.)

17.72.150 ~~Sec. 7.18.~~ Costs of notification to interested persons.

Interested persons who wish to be notified of Planning Commission, Hearings Officer and City Council hearings shall be sent such notice if they provide the Ceity with a deposit to cover such costs.

Chapter 17.76

ENFORCEMENT – VIOLATION – PENALTIES

Sections:

17.76.010 Previously issued permits.

17.76.020 Enforcement.

17.76.030 Conflict with other regulations and private agreements.

17.76.040 Public nuisance.

17.76.050 Penalties.

17.76.010 ~~Sec. 7.23~~ Effect of pPreviously issued permits.

Except as specifically herein provided, it is not intended by this ordinance to impair or interfere with any permits previously adopted or issued relating to the erection, construction, establishment, moving, alteration or enlargement of any buildings or improvements.

17.76.020 Sec. 7.19. Responsibility for enforcementEnforcement.

All employees of the City ~~of Trinidad~~ vested with the duty or authority to issue permits shall conform to the provisions of this ~~ordinance~~title and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of this ~~ordinance~~title; and any such permits, certificates or licenses issued in conflict with the provisions of this ~~ordinance~~title shall be null and void. It shall be the duty of the ~~City Engineer~~Building Inspector to enforce the provisions of this ~~Zoning Ordinance~~title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. (Ord: 166 § 7.19, 1979).

Sec. 7.20. Penalties.

~~Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this Zoning Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail of the County of Humboldt for a term not exceeding five (5) months, or both. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm, or corporation and shall be punishable as herein provided.~~

17.76.040~~Sec. 7.21~~ Public nuisance.

~~No person shall violate any provision or fail to comply with any of the requirements of this title. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this ~~ordinance~~title and/or any use of property contrary to the provisions of this ~~ordinance~~title shall be, and the same is declared to be, unlawful and a public nuisance subject to the City's nuisance abatement procedures and penalties set forth in Chapter 8.12 TMC.; and the City Attorney of said city shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using any property contrary to the provisions of this ordinance. The remedies provided for herein shall be cumulative and not exclusive.~~

17.76.050~~Sec. 7.20. Penalties.~~

~~Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this ~~Zoning Ordinance~~title shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than ~~five hundred dollars (\$500.00)~~ or by imprisonment in the county jail of the County of Humboldt for a term not exceeding ~~five (5) months~~, or both. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ~~ordinance~~title is committed, continued or permitted by such person, firm, or corporation and shall be punishable as herein provided.~~

~~Sec. 7.22 — Conflict with other regulations and private agreements.~~

~~Where conflict occurs between the provisions of this ordinance and the building code or other regulations effective within the city, the more restrictive of any such regulations shall apply. It is not intended that this title shall interfere with or abrogate or annul any easements, covenants, or other agreements not in effect, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises than are imposed or required by such agreements, the provisions of this ordinance shall control.~~

~~Sec. 7.23 — Effect of previously issued permits.~~

~~Except as specifically herein provided, it is not intended by this ordinance to impair or interfere with any permits previously adopted or issued relating to the erection, construction, establishment, moving, alteration or enlargement of any buildings or improvements.~~

PASSED AND ADOPTED by the City Council of the City of Trinidad, State of California, on **Tuesday, January 9, 2024**, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Attest:

Gabriel Adams
Trinidad City Clerk

Cheryl Kelly
Mayor

First Reading of Ordinance 2024-01: Tuesday, January 9, 2024

Second Reading of Ordinance 2024-01: Tuesday, February 13, 2024



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION ATTACHED

3. Discussion/Decision to Award Construction Contract for the Trinidad Water Storage Tank and Pipeline Replacement Project

DISCUSSION AGENDA ITEM

Date: January 9, 2024

**Item: AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR
THE TRINIDAD WATER STORAGE TANK AND PIPELINE
REPLACEMENT PROJECT**

Summary

The Water Storage Tank and Pipeline Replacement Project bid package was released and publicly advertised on November 19, 2023. The bid period ended at 4 PM on December 20, 2023, at which time the City had received and then opened four bids. The bid results, including base and additive bid items, are shown in the table below.

Contractor	Base Bid	Additive Bid	Total	Difference
McCullough	\$ 3,763,600.37	\$ 157,992.23	\$ 3,921,592.60	\$ 880,997.60
GR Sundberg	\$ 3,368,471.00	\$ 62,720.00	\$ 3,431,191.00	\$ 390,596.00
Wahlund	\$ 2,942,040.00	\$ 105,650.00	\$ 3,047,690.00	\$ 7,095.00
Mercer-Fraser Company	\$ 2,964,345.00	\$ 76,250.00	\$ 3,040,595.00	Low Bid

GHD's Opinion of Probable Construction Cost without a contingency was \$3,162,450.

How the bids are evaluated and the project award determined is spelled out in the contract bid documents (Page B-10) just below the Additive Bid Schedule Items and above the Contractor's signature line which reads:

Determination of low bid and award:

Awards will be made to the lowest, responsive, responsible, BIDDER. The low bidder shall be determined based on the sum of all Bid Schedules. Depending on the bids and the availability of funds, the City may award some or all the Additive Bid items, or the City may choose not to award any Additive Bid items. Additional bid items may be added to award as a change order during the project and the bid amounts shown here shall be the agreed upon contract amount for the work.

In California, a public agency is generally required to award the contract to the lowest responsive and responsible bidder or else to reject all bids. Mercer-Fraser's bid documents were reviewed in more detail and determined to be complete, making their bid responsive. Mercer-Fraser's Class A contractors license is active and valid making them a responsible bidder. Therefore staff recommends awarding the project to Mercer-Fraser.

Project Timeline: The project is scheduled to start construction January 29, 2024 and finish construction by November 30, 2024 per the schedule below.

Task	Due Date
Bids are Due	12/20/2023
Notice of Award	1/11/2024
Notice to Proceed	1/26/2024
2023 Construction Starts	1/29/2024
2024 Construction Ends	11/30/2024

Financial

The construction contract will be paid for through secured grant funding. City has a construction budget of \$3,889,450, funded by the Department of Water Resources (DWR) Small Community Drought Relief Program Grant Agreement 4600014680.

Staff Recommendation:

Authorize the City Manager to sign the Notice of Award to Mercer-Fraser for construction of the Water Storage Tank & Pipeline Replacement Project for both the base bid and additive bid items for a total budget of \$3,040,595.00 as bid. Authorize staff and the City Manager to manage the construction project moving forward such as but not including issuing the Notice to Proceed, Work directives, and Contract Change Orders as needed to construct the project within the grant guidelines and approved grant budget.

Attachments:

1. Copies of the four bids received

BIDDERS' CHECKLIST

This checklist has been prepared and furnished to aid bidders in including all necessary supporting information with their bid. Bidders' submittals should include, but are not limited to the following:

<u>ITEM</u>	<u>PAGE</u>	<u>CHECKED</u>
1. Bid	B-6	✓
2. Bid Proposal	B-7	✓
3. Acknowledgement of Addenda	B-8	✓
4. Authority to Sign Bid Proposal	(Attached to Bid Bond)	✓
5. List of Subcontractors (Subcontractor Details)	B-9	✓
6. Bid Bond	B-10	✓
7. Power of Attorney	B-11	✓
8. Non Collusion Affidavit	B-12	✓

BID

Proposal of Mercer-Fraser Company
(hereinafter called "Bidder"), organized and existing under the laws of the State of California,
doing business as a Corporation *.

To the City of Trinidad, (hereinafter called "Owner").

In compliance with your Advertisement for Bids, Bidder hereby proposes to perform all work for the City of Trinidad Tank and Waterline Replacement Project in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated below.

In the event of a difference between a price quoted in words and a price quoted in figures for the same quotation, the words shall be the amount bid. In the event that the product of a unit price and an estimated quantity does not equal the extended amount quoted, the unit price shall govern and the corrected product of the unit price and the estimated quantity shall be deemed to be the amount bid. If the sum of two or more items in a bidding schedule does not equal the total amounts quoted, the individual items amounts shall govern and the corrected total shall be deemed to be the amount bid.

By submission of this bid, each bidder certifies, and in the case of a joint bid, each party certifies as to his own organization, that his bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this bid with any other bidder or with any competitor.

Bidder hereby agrees to commence work under this Contract on or before a date to be specified in the Notice to Proceed and to fully complete the project and pay the liquidated damages as provided in Articles III and IV of the General Conditions.

*Insert "a corporation," "a partnership," or "an individual" as applicable.

BID PROPOSAL

BID SCHEDULE

Bidder agrees to perform all the work described in the Contract Documents for the following unit prices or lump sum.

NOTE: Bids shall include sales tax and all other applicable taxes and fees.

BASE BID SCHEDULE ITEMS				
Item No.	Description	Quantity	Units	Total
1	Mobilization and Demobilization	1	LS	\$150,000 175,000 (R)
2	Water Pollution Control	1	LS	\$50,000
3	Traffic Control	1	LS	\$35,000
4	Cultural Monitor	1	LS	\$75,000
5	Demolition	1	LS	\$60,000
6	Site Clearing and Grubbing	1	LS	\$55,000
7	Tree Removal	1	LS	\$6,000
8	Site Excavation	1	LS	\$34,000
9	Site Grading	1	LS	\$50,000
10	Seed and Mulch	1	LS	\$500
11	Removal of existing 8" Asbestos Pipe	2,785	LF	\$194,950
12	Removal of existing 4" Asbestos Pipe	965	LF	\$90,120
13	Bolted Stainless Steel Tank 250,000 gallon	1	EA	\$250,000 975,000 (R)
14	Tank Foundation	1	EA	\$115,000
15	18" Culvert	20	LF	\$22,000
16	10" PVC Pipe	1,605	LF	\$780,875
17	10" Ductile Iron Pipe	30	LF	\$15,150
18	8" Ductile Iron Pipe	48	LF	\$14,640
19	8" Stainless Steel Pipe	48	LF	\$24,000
20	8" PVC Pipe	1,960	LF	\$205,800
21	6" PVC Pipe	365	LF	\$36,500
22	Precast Concrete Vault	1	LS	\$45,000
23	Rock Energy Dissipation	1	LS	\$75,000 750,000 (R)
24	Trench Cut-off	1	EA	\$1250 -
25	Bollards	4	EA	\$5000 -
26	Drainage Inlet	1	EA	\$12,000 -
27	Concrete Curb and Gutter	1	LS	\$12,000 -
28	Entrance Gate	1	EA	\$6500
29	Aggregate Base	1	LS	\$42,000
30	Asphalt Pavement Removal and Disposal	1	LS	\$38,000
31	Asphalt Surface Restoration	1	LS	\$180,000
32	Fire Hydrants	6	EA	\$96,000
33	3/4" Water Service Laterals	19	EA	\$76,000

TOTAL BASE BID (\$ 2,964,345 -)
(Add Items 1 through 33)

ADDITIVE BID SCHEDULE ITEMS				
Item No.	Description	Quantity	Units	Total
1	10" Compound Flow Meter	1	EA	\$ <u>29000</u>
2	8" Gate Valve	1	EA	\$ <u>5000</u>
3	8" AC Pipe Replacement	250	LF	\$ <u>31250</u>
4	Fire Hydrant	1	EA	\$ <u>28000</u>

TOTAL ADDITIVE BID (\$ 76,250)
(Add Items 1 through 4)

Determination of low bid and award:

Awards will be made to the lowest, responsive, responsible, BIDDER. The low bidder shall be determined based on the sum of all Bid Schedules. Depending on the bids and the availability of funds, the City may award some or all the Additive Bid items, or the City may choose not to award any Additive Bid items. Additional bid items may be added to award as a change order during the project and the bid amounts shown here shall be the agreed upon contract amount for the work.

Receipt of the following Addenda is acknowledged:

#1 (12/6/23); #2 (12/13/23)

The representations made herein are made under penalty of perjury.

Respectfully submitted:


Signature

Mark Benzinger, Vice President
Title

105709
License Number

12/20/23
Date

1/31/2025
License Expiration Date

(SEAL - If Bid is by Corporation)

SUBCONTRACTOR DETAILS

The bidder certifies that:

- A. ☐ I do not intend to subcontract any work on this project.
- B. ☒ I do intend to subcontract portions of the work on this project.

NOTE: The bidder shall check box A or box B. If the bidder does not check a box, it will be deemed that he has checked box A.

If awarded the Contract, the bidder proposes to employ the following subcontractors who will perform work or labor or render service to the bidder in or about the work in an amount in excess of one-half of one percent (0.5%) of the total amount of Bidder's proposal. If no subcontract work is proposed, except within the one-half of one percent (0.5%) limit set forth, the Bidder shall so state.

Name and Address of Subcontractor	Description of Work to be Subcontracted	Subcontractor's CA License No.	Department of Industrial Relations Registration No.
United Industries Group, Inc. 11 Rancho Circle Lake Forest, CA 92630	Bolted Steel tank	892030	1000021858
North Coast Steel 3050 Dutton Ave. Ste C, Santa Rosa, CA 95407	Reinforcing Steel	913566	1000009405
Professional Asbestos & Lead Services LLC PO Box 319816 Stockton, CA 95213	Disposal of AC pipe	700658	1000003350

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned,

Mercer-Fraser Company as Principal, and

Liberty Mutual Insurance Company, as Surety, are hereby held and firmly bound unto

The City of Trinidad, as Owner, in the penal sum of Ten Percent (10%) of Bid Amount for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed this 18th day of December, 2023.

The Condition of the above obligation is such that whereas the Principal has submitted to The City of Trinidad a certain bid, attached hereto and hereby made a part hereof to enter into a contract in writing, for the:

The City of Trinidad Tank and Waterline Replacement Project

NOW, THEREFORE,

(a) If said bid shall be rejected, or

(b) If said bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said Bid), and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid,

then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such bid; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

SEAL:

Mercer-Fraser Company

Principal

By: _____

Title: Justin Zabel, President

Liberty Mutual Insurance Company

Surety

By: _____

Title: Jon Richard Sullivan, Attorney-in-Fact

IMPORTANT - Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

NOTE: Bidder shall provide current "Power of Attorney" for Attorney-in-fact who signs Bid Bond.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Marin)

On December 18, 2023 before me, Emma Nichols, Notary Public
(insert name and title of the officer)

personally appeared Jon Richard Sullivan,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8204910-024088

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Emmalyn Nichols; Jon Richard Sullivan; Karen Rhodes; Susan J. McGowan; Tammy Bates

all of the city of Novato state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 24th day of February, 2021.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 24th day of February, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 18th day of December, 2023.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

NON COLLUSION AFFIDAVIT TO BE EXECUTED
BY BIDDER AND SUBMITTED WITH BID
(Public Contract Code 7106)

State of California
County of Humboldt
City of Fortuna
The undersigned declares:

Mark Benzinger, being first duly sworn, deposes and says that he or she is Vice President of Mercer-Fraser Co., the party making the foregoing bid. The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By Mark Benzinger

Subscribed and sworn to before me on 19th of December 2023
(date)

Kirsten Caroline Foley
(Notary Public)

(SEAL)





▼ Contractor's License Detail for License # 105709

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- CSLB complaint disclosure is restricted by law ([B&P 7124.6](#)). If this entity is subject to public complaint disclosure (click on link that will appear below for more information. Click [here](#) for a definition of disclosable actions.
- Only construction related civil judgments reported to CSLB are disclosed ([B&P 7071.17](#)).
- Arbitrations are not listed unless the contractor fails to comply with the terms.
- Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 2/1/2023 8:39:42 AM

Business Information

MERCER FRASER COMPANY
P O BOX 1006
EUREKA, CA 95502
Entity Corporation
Issue Date 08/23/1948
Expire Date 01/31/2025

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with **SAFECO INSURANCE COMPANY OF AMERICA**.

Bond Number: 6391279

Bond Amount: \$25,000

Effective Date: 01/01/2023

Contractor's Bond History

Bond of Qualifying Individual

The qualifying individual JUSTIN EDWARD ZABEL certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

Effective Date: 07/20/2010

Workers' Compensation

This license has workers compensation insurance with the **TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA**

Policy Number: UB3T497250

Effective Date: 04/01/2022

Expire Date: 04/01/2023

Workers' Compensation History

Other

Personnel listed on this license (current or disassociated) are listed on other licenses.

Contractor Information

Legal Entity Name
MERCER-FRASER COMPANY

Legal Entity Type
Corporation

Status
Active

Registration Number
1000009518

Registration effective date
7/1/2022

Registration expiration date
6/30/2025

Mailing Address
PO BOX 1006 EUREKA 95502 CA United States o...

Physical Address
200 DINSMORE DRIVE FORTUNA 95540 CA Unit...

Email Address

Trade Name/DBA

License Number(s)
CSLB:105709

Registration History

Effective Date	Expiration Date
6/5/2018	6/30/2019
5/16/2017	6/30/2018
6/7/2016	6/30/2017
7/1/2015	6/30/2016
2/12/2015	6/30/2015
7/1/2019	6/30/2022
7/1/2022	6/30/2025

Legal Entity Information

Corporation Number:

Federal Employment Identification Number:

President Name:

Justin Zabel

Vice President Name:

Mark Benzinger

Treasurer Name:

Secretary Name:

CEO Name:

Agent of Service Name:

Justin Zabel

Agent of Service Mailing Address:

200 Dinsmore Dr. Fortuna 95540 CA United States of America

Workers Compensation

Do you lease employees through Professional Employer Organization (PEO)?: No

**WRITTEN CONSENT
OF THE SOLE DIRECTOR TO ACTION
TAKEN WITHOUT MEETING
OF
MERCER-FRASER COMPANY**

The sole director of Mercer-Fraser Company, a California corporation (the "Corporation"), in accordance with California Corporations Code § 7211(b), hereby consents to the following resolutions as acts of the Corporation:

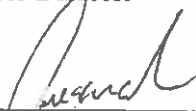
RESOLVED: That each of the following persons are authorized to negotiate, execute and attest electronic and paper documents necessary for the conduct of the Company's business with respect to the submission and execution of corporate documents, agreements, construction project bids, bid proposals, bid addenda and all other bid related documents prepared and submitted on behalf of Mercer-Fraser Company relating to any and all domestic construction projects arising out of the company's operations:

**Justin E. Zabel, President & CEO
Mark W. Benzinger, Vice-President**

The undersigned, being the sole Director of the Corporation, by signing this consent, waives notice of the time, place, and purpose of a meeting of the sole Director, and consents to the transaction of business and the foregoing resolutions by written consent of the sole Director in lieu of a special meeting noticed and called for each purpose.

DATED: this 6th day of July 2017.

Sole Director



Justin E. Zabel

::ODMA\PCDOCS\DOCS\288828\1

BID

Proposal of Wahlund Construction, Inc.
(hereinafter called "Bidder"), organized and existing under the laws of the State of California,

doing business as a corporation *.

To the City of Trinidad, (hereinafter called "Owner").

In compliance with your Advertisement for Bids, Bidder hereby proposes to perform all work for the City of Trinidad Tank and Waterline Replacement Project in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated below.

In the event of a difference between a price quoted in words and a price quoted in figures for the same quotation, the words shall be the amount bid. In the event that the product of a unit price and an estimated quantity does not equal the extended amount quoted, the unit price shall govern and the corrected product of the unit price and the estimated quantity shall be deemed to be the amount bid. If the sum of two or more items in a bidding schedule does not equal the total amounts quoted, the individual items amounts shall govern and the corrected total shall be deemed to be the amount bid.

By submission of this bid, each bidder certifies, and in the case of a joint bid, each party certifies as to his own organization, that his bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this bid with any other bidder or with any competitor.

Bidder hereby agrees to commence work under this Contract on or before a date to be specified in the Notice to Proceed and to fully complete the project and pay the liquidated damages as provided in Articles III and IV of the General Conditions.

*Insert "a corporation," "a partnership," or "an individual" as applicable.

BID PROPOSAL

BID SCHEDULE

Bidder agrees to perform all the work described in the Contract Documents for the following unit prices or lump sum.

NOTE: Bids shall include sales tax and all other applicable taxes and fees.

BASE BID SCHEDULE ITEMS				
Item No.	Description	Quantity	Units	Total
1	Mobilization and Demobilization	1	LS	\$137,500.00
2	Water Pollution Control	1	LS	\$11,000.00
3	Traffic Control	1	LS	\$75,000.00
4	Cultural Monitor	1	LS	\$16,000.00
5	Demolition	1	LS	\$32,000.00
6	Site Clearing and Grubbing	1	LS	\$4,660.00
7	Tree Removal	1	LS	\$8,800.00
8	Site Excavation	1	LS	\$20,000.00
9	Site Grading	1	LS	\$8,100.00
10	Seed and Mulch	1	LS	\$7,450.00
11	Removal of existing 8" Asbestos Pipe	2,785	LF	\$103,045.00
12	Removal of existing 4" Asbestos Pipe	965	LF	\$31,845.00
13	Bolted Stainless Steel Tank 250,000 gallon	1	EA	\$850,000.00
14	Tank Foundation	1	EA	\$135,000.00
15	18" Culvert	20	LF	\$12,000.00
16	10" PVC Pipe	1,605	LF	\$401,250.00
17	10" Ductile Iron Pipe	30	LF	\$45,000.00
18	8" Ductile Iron Pipe	48	LF	\$24,000.00
19	8" Stainless Steel Pipe	48	LF	\$60,000.00
20	8" PVC Pipe	1,960	LF	\$421,400.00
21	6" PVC Pipe	365	LF	\$73,000.00
22	Precast Concrete Vault	1	LS	\$27,000.00
23	Rock Energy Dissipation	1	LS	\$4,400.00
24	Trench Cut-off	1	EA	\$7,500.00
25	Bollards	4	EA	\$4,000.00
26	Drainage Inlet	1	EA	\$4,000.00
27	Concrete Curb and Gutter	1	LS	\$12,000.00
28	Entrance Gate	1	EA	\$1,000.00
29	Aggregate Base	1	LS	\$84,600.00
30	Asphalt Pavement Removal and Disposal	1	LS	\$3,500.00
31	Asphalt Surface Restoration	1	LS	\$94,500.00
32	Fire Hydrants	6	EA	\$120,000.00
33	3/4" Water Service Laterals	19	EA	\$104,500.00

TOTAL BASE BID (\$ 2,942,040.00)
(Add Items 1 through 33)

ADDITIVE BID SCHEDULE ITEMS				
Item No.	Description	Quantity	Units	Total
1	10" Compound Flow Meter	1	EA	\$ <u>14,650.00</u>
2	8" Gate Valve	1	EA	\$ <u>3,000.00</u>
3	8" AC Pipe Replacement	250	LF	\$ <u>68,000.00</u>
4	Fire Hydrant	1	EA	\$ <u>20,000.00</u>

TOTAL ADDITIVE BID (\$ 105,650.00)
(Add Items 1 through 4)

Determination of low bid and award:

Awards will be made to the lowest, responsive, responsible, BIDDER. The low bidder shall be determined based on the sum of all Bid Schedules. Depending on the bids and the availability of funds, the City may award some or all the Additive Bid items, or the City may choose not to award any Additive Bid items. Additional bid items may be added to award as a change order during the project and the bid amounts shown here shall be the agreed upon contract amount for the work.

Receipt of the following Addenda is acknowledged:

Addendum 1: 12/06/2023

Addendum 2: 12/13/2023

The representations made herein are made under penalty of perjury.

Respectfully submitted:

Signature

V.P. of Operations

Title

678993

License Number

12/20/2023

Date

09/30/2024

License Expiration Date

(SEAL - If Bid is by Corporation)

SUBCONTRACTOR DETAILS

The bidder certifies that:

- A. ☐ I do not intend to subcontract any work on this project.
- B. ☒ I do intend to subcontract portions of the work on this project.

NOTE: The bidder shall check box A or box B. If the bidder does not check a box, it will be deemed that he has checked box A.

If awarded the Contract, the bidder proposes to employ the following subcontractors who will perform work or labor or render service to the bidder in or about the work in an amount in excess of one-half of one percent (0.5%) of the total amount of Bidder's proposal. If no subcontract work is proposed, except within the one-half of one percent (0.5%) limit set forth, the Bidder shall so state.

Name and Address of Subcontractor	Description of Work to be Subcontracted	Subcontractor's CA License No.	Department of Industrial Relations Registration No.
Sequoia Construction Specialties PO Box 6061 Eureka, CA 95502	Tank Ring Foundation Concrete Curb & Gutter	624264	1000005439

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned,

Wahlund Construction, Inc. as Principal, and

Travelers Casualty and Surety Company of America, as Surety, are hereby held and firmly bound unto

The City of Trinidad, as Owner, in the penal sum of 10%(Ten percent of the amount of the bid) for the payment of

which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed this 19th day of December, 2023.

The Condition of the above obligation is such that whereas the Principal has submitted to City of Trinidad, as Owner, a certain bid, attached hereto and hereby made a part hereof to enter into a contract in writing, for the:

The City of Trinidad Tank and Waterline Replacement Project

NOW, THEREFORE,

(a) If said bid shall be rejected, or

(b) If said bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said Bid), and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid,

then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such bid; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

SEAL:

Wahlund Construction, Inc.

Principal

By:

Title:

Travelers Casualty and Surety Company of America

Surety

By:

Title:

Manuel B. Mello
Attorney In Fact

IMPORTANT - Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

NOTE: Bidder shall provide current "Power of Attorney" for Attorney-in-fact who signs Bid Bond.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Humboldt)

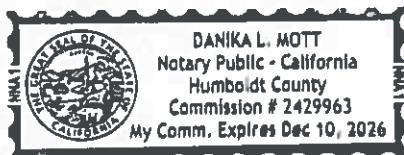
On Dec 19th 2023 before me, Danika L. Mott, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Manuel B. Mello
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Manuel B Mello** of **SANTA ROSA, California**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 21st day of April, 2021.



State of Connecticut

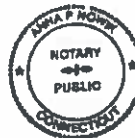
City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the 21st day of April, 2021, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2026




Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 19th day of December, 2023




Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.**

**RESOLUTIONS BY UNANIMOUS CONSENT OF DIRECTORS OF WAHLUND
CONSTRUCTION, INC., A CALIFORNIA CORPORATION AUTHORIZING
RYAN WAHLUND TO ENTER INTO ORDINARY CONTRACTS ON BEHALF
OF CORPORATION**

The undersigned, all of the directors of Wahlund Construction, Inc., a California corporation, do, by this writing, consent to the following actions and adopt the following resolutions:

RESOLVED that Ryan Wahlund, the Vice-President of this corporation, is authorized from this date to enter into all ordinary contracts or execute any instrument in the name and on behalf of the corporation and to sign the name of the corporation to all such contracts.

This consent is executed in accordance with section 307 of the California Corporations Code and the bylaws of this corporation which authorize the taking of action by the board of directors by unanimous written consent without a meeting. This consent shall be filed with the secretary of the corporation.

Dated this twenty second (22nd) day of July, 2020.


Kenneth Wahlund, Director


Kelly Wahlund, Director


Ryan Wahlund, Director

NON COLLUSION AFFIDAVIT TO BE EXECUTED
BY BIDDER AND SUBMITTED WITH BID
(Public Contract Code 7106)

State of California
County of Humboldt
City of Eureka
The undersigned declares:

Ryan Wahland, being first duly sworn, deposes and says that he or she is
VP of Operations of Wahland Construction, Inc., the party making the foregoing bid. The bid is not made in
the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization,
or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly
induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly
colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain
from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement,
communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix
any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements
contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or
any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any
corporation, partnership, company, association, organization, bid depository, or to any member or agent
thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for
such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint
venture, limited liability company, limited liability partnership, or any other entity, hereby represents that
he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

By

Ryan Wahland

Subscribed and sworn to before me on

12/19/2023
(date)

See attached Jurat

(Notary Public)

(SEAL)

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–6 to be completed only by document signer[s], *not* Notary)

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Humboldt

Subscribed and sworn to (or affirmed) before me

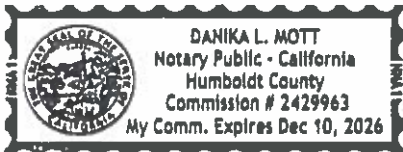
on this 19th day of December, 2023
 by _____
 Date Month Year

(1) Ryan Wahinda

(and (2) _____),
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Signature]
 Signature of Notary Public



Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

ADVERTISEMENT FOR BIDS

City of Trinidad

Owner

409 Trinity Street, P.O. Box 390

Trinidad, California 95570

Address

Separate sealed bids will be received for the The City of Trinidad's Tank and Waterline Replacement Project. A conditional or qualified bid will not be accepted if it modifies the Plans or Specifications or method of work.

A non-mandatory pre-bid conference/site visit will be held to familiarize potential bidders with the project and is scheduled for 10AM November 28, 2023, at the Trinidad City Hall at 409 Trinity Street, Trinidad, CA.

The work consists of the furnishing of all labor, material, equipment, and supervision for the construction of the Trinidad Tank and Waterline Replacement project. The work generally includes, but is not limited to replacing existing Asbestos-Cement (AC) pipe that currently makes up the majority of the City's distribution pipeline and replacing an existing redwood water storage tank, as shown on the plans by GHD Inc.

Bids will be received at the office of the Trinidad City Engineer at GHD Inc., 718 Third Street, Eureka, California until 4PM December 20, 2023, and then at said office publicly opened and read aloud. All Contractor questions must be submitted by 5PM December 1, 2023. Questions received after 5PM December 1, 2023, will not be responded to prior to the bid opening.

The Contract Documents are available and may be examined at the following locations:

Humboldt Builders Exchange, Eureka
North Coast Builders Exchange, Santa Rosa, CA
Shasta Builders Exchange, Redding, CA
GHD Inc., 718 Third Street, Eureka, California 95501

Copies of the Specifications and Plans may be obtained at the office of GHD Inc., located at 718 Third Street, Eureka, California, 95501, upon payment of \$20.00 for each set.

None of the above payments for Contract Documents will be refundable.

Each proposal must be submitted on the prescribed form and accompanied by a certified check or Bid Bond in an amount of not less than 10 percent of the amount bid. Successful bidders will be required to furnish both a Payment Bond and Performance Bond in the full amount of the Contract Price.

In accordance with Public Contract Code Section 10263 the Contractor will be allowed to substitute securities for monies normally withheld by the Owner to insure performance under this contract.

The general prevailing wage rates applicable to the work are set by the Director of the Department of Industrial Relations, State of California. The Contractor will be required to comply with any changes in these wage rates as they are updated by the State government at no cost to the Owner. Project must comply with regulations regarding labor compliance monitoring and prevailing wage requirements.

Eli Naffah
City Manager
City of Trinidad

November 17, 2023
Date



PART 1: BIDDING REQUIREMENTS

INFORMATION FOR BIDDERS

Bids will be received by City of Trinidad (herein called the "Owner"), at the office of the Trinidad City Engineer at GHD Inc., 718 Third Street, Eureka, until the time listed in the Advertisement for Bids; and then at said office publicly opened and read aloud.

Each bid must be submitted in a sealed envelope, addressed to GHD Inc., 718 Third Street, Eureka, California 95501. Each sealed envelope containing a bid must be plainly marked on the outside as **BID FOR City of Trinidad Tank and Waterline Replacement Project**, and the envelope should bear on the outside the name of the bidder, his address, his license number if applicable, and the name of the Schedule or Schedules for which the bid is submitted. If forwarded by mail, the sealed envelope containing the bid must be enclosed in another envelope addressed to GHD Inc., 718 Third St., Eureka, CA 95501.

Bids received after the time specified opening will not be considered. The bidder is solely responsible for timely delivery of his bid.

A non-mandatory pre-bid site inspection conference is scheduled for **November 28, 2023, at 10:00 am** at the City of Trinidad, City Hall, 409 Trinity Street, Trinidad, California.

All bids must be made on the required bid form. All blank spaces for bid prices must be filled in, in ink or typewritten, and the bid form must be fully completed and executed when submitted. Only one copy of the bid form is required.

Award will be made to the lowest, responsive, responsible BIDDER. The low bidder shall be determined based on the sum of the Base Bid and Alternative Bid listed on the Bid Summary Sheet.

In its discretion, the Owner may reject any bids presented and readvertise. If two or more bids are the same and the lowest; the Owner may accept the one it chooses.

The Owner may waive any informalities or minor defects or reject any and all bids. Any bid may be withdrawn prior to the above scheduled time for the opening of bids or authorized postponement thereof. Any bid received after the time and date specified shall not be considered.

No bidder may withdraw a bid within 90 days after the actual date of the opening thereof. Should there be reasons why the contract cannot be awarded within the specified period; the time may be extended by mutual agreement between the Owner and the bidder.

Bid Protest. Any bid protest must be in writing and received by the Owner at GHD Inc., 718 Third Street, Eureka, California 95501 before 5:00 p.m. no later than two (2) working days following bid opening (the "Bid Protest Deadline") and must comply with the following requirements below.

Only a bidder who has actually submitted a Bid Proposal is eligible to submit a bid protest against another bidder. Subcontractors are not eligible to submit bid protests. A bidder may not rely on the bid protest submitted by another bidder, but must timely pursue its own protest.

The bid protest must contain a complete statement of the basis for the protest and all supporting documentation. Material submitted after the Bid Protest Deadline will not be considered. The protest must refer to the specific portion or portions of the Contract Documents upon which the protest is based. The protest must include the name, address and telephone number of the person representing the protesting bidder if different from the protesting bidder.

A copy of the protest and all supporting documents must also be transmitted by fax or by e-mail, by or before the Bid Protest Deadline, to the protested bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.

The protested bidder may submit a written response to the protest, provided the response is received by Owner before 5:00 p.m., within two (2) working days after the Bid Protest Deadline or after receipt of the bid protest, whichever is sooner (the "Response Deadline"). The response must include all supporting documentation. Material submitted after the Response Deadline will not be considered. The response must include the name, address and telephone number of the person representing the protested bidder if different from the protested bidder.

A copy of the response and all supporting documents must also be transmitted by fax or by e-mail, by or before the Bid Protest Deadline, to the protested bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.

The procedure and time limits set forth in this section are mandatory and are the bidder's sole and exclusive remedy in the event of bid protest. The bidder's failure to comply with these procedures shall constitute a waiver of any right to further pursue a bid protest, including filing a Government Code Claim or initiation of legal proceedings.

Bidders must satisfy themselves of the accuracy of the estimated quantities in the bid schedule by examination of the site and a review of the Plans and Specifications including addenda. After bids have been submitted, the bidder shall not assert that there was a misunderstanding concerning the quantities of Work or of the nature of the Work to be done.

The Contract Documents contain the provisions required for the construction of the project. Information obtained from an officer, agent, or employee of the Owner or any other person shall not affect the risks or obligations assumed by the Contractor or relieve him from fulfilling any of the conditions of the contract.

Each bid must be accompanied by a bid bond payable to the Owner, for ten percent of the total amount of the bid. As soon as the bid prices have been compared, the Owner will return the bonds of all except the three lowest responsible bidders. When the Agreement is executed, the bonds of the two remaining unsuccessful bidders will be returned. The bid bond of the successful bidder(s) will be retained until the payment bond and performance bond have been executed and approved, after which it will be returned. A certified check may be used in lieu of a bid bond.

A performance bond and a payment bond, each in the amount of 100 percent of the contract price, with a corporate surety approved by the Owner, will be required for the faithful performance of the Contract.

Attorneys-in-fact who sign bid bonds or payment bonds and performance bonds must file with each bond a certified and effective dated copy of their power of attorney.

The party to whom the contract is awarded will be required to execute the Agreement and obtain the performance bond and payment bond and proof of insurance within **fourteen (14) calendar days** from the date when Notice of Award is delivered to the bidder. The Notice of Award shall be accompanied by the necessary Agreement and bond forms. In case of failure of the bidder to execute the Agreement, the Owner may at his option consider the bidder in default, in which case the bid bond accompanying the proposal shall become the property of the Owner.

The Owner, within **thirty (30) calendar days** of receipt of an acceptable performance bond, payment bond and Agreement signed by the party to whom the Agreement was awarded shall sign the Agreement and return to such party an executed duplicate of the Agreement. Should the Owner not execute the Agreement within such period, the bidder may submit a written notice to the Owner to withdraw his signed Agreement. Such notice of withdrawal shall be effective upon receipt of the notice by the Owner.

The Notice to Proceed shall be issued within **forty (40) calendar days** of the execution of the Agreement by the Owner. Should there be reasons why the Notice to Proceed cannot be issued within such period, the time may be extended by mutual agreement between the Owner and Contractor.

The Owner will strive to issue the Notice to Proceed by **January 26, 2024**, or as soon thereafter as reasonable.

If the Notice to Proceed has not been issued within the **forty (40) calendar days** period or within the period mutually agreed upon, the Contractor may terminate the Agreement with notice to the Owner without further liability on the part of either party.

The Contractor shall begin work within fifteen (5) calendar days of the Notice to Proceed and shall complete the work within 352 calendar days.

The Contractor shall pay the City the sum of **\$1,500 per day**, for each and every working days delay in finishing the work in excess of the number of working days prescribed above.

The Owner may make such investigations as he deems necessary to determine the ability of the bidder to perform the work, and the bidder shall furnish to the Owner all such information and data for this purpose as the Owner may request. The Owner reserves the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the Owner that such bidder is properly qualified to carry out the obligations of the Agreement and to complete the work contemplated therein.

A conditional or qualified bid will not be accepted if it modifies the Plans or Specifications or method of work.

All applicable laws, ordinances, and the rules and regulations of all authorities having jurisdiction over construction of the project shall apply to the contract throughout. The Bidder is cautioned to familiarize himself/herself with all applicable permits associated with this project.

The Bidder shall supply the names and addresses of major material suppliers and/or fabricators with his/her bid.

This is a Public Works Project funded with CA State funds. CA State prevailing wage rates will be required on this project. Pursuant to CA Labor Code 1725.5 all contractors and subcontractors must be currently registered and be in good standing with the Department of Industrial Relations to be listed on a bid and work on a public works project. All contractors must electronically submit their payroll to the Department of Industrial Relations and submit their payroll to the Prime Contractor. All contractors and subcontractors working on this project must keep certified payroll records in accordance with Labor Code 1776.

DIR Registration. No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) or be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)]. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

In accordance with Labor Code 1720, the Division of Labor Standards and Research has determined the general prevailing rates or wages and employer payments for health and welfare, pension, vacation, travel time, and subsistence pay as provided for in section 1773.8. Holiday and overtime work when permitted by law shall be paid for at a rate of at least one and one-half times the above specified rate of per diem wages, unless otherwise specified.

It shall be mandatory upon the Contractor herein and upon any Subcontractor to pay not less than the said specified rates to all laborers, workers and mechanics employed by them in the execution of the Agreement pursuant to CA Labor Code 1774.

Attention is directed to the provisions in section 1777.5 and sections 1777.6 of the Labor Code concerning the requirement to employ apprentices by all Contractors.

The Contractor shall comply with and shall cause his subcontractors to comply with all laws and regulations governing the contractor's and subcontractor's performance on this project including, but not limited to: anti-discrimination laws, workers' compensation laws, and prevailing wage laws as set forth in CA Labor Code, Sections 1720-1861 et seq. and licensing laws, as well as Federal Labor Standards set forth in the Davis-Bacon Act (40 USC 276(a-a5), the Copeland "Anti-Kickback" Act (40 USC 276c); and the Contract Work Hours and Safety Standards Act (CWHSSA) (40 USC 327-333). The contractor is required to include the prevailing wage language in all subcontracts pursuant to CA Labor Code 1775(E)(b)(1). The Contractor shall post, at appropriate conspicuous points on the site of the Project, a schedule showing all the determined general prevailing wage rates.

The Contractor agrees to comply with Labor Code Section 1775 (Payment of the Prevailing Wage Rates) and Labor Code 1776 (keeping accurate records) and Labor Code 1777.5, placing responsibility for compliance with the statutory requirements for all apprenticeable occupations on the prime contractor. The Contractor shall comply with the requirements imposed by the California Labor Code Sections 1720 through 1861 regarding public works projects and prevailing wage laws and sections 16000-16800 of the CA Code of Regulations.

Contractors and any Subcontractors shall be assessed penalties for violating the following labor codes:

- CA Labor Code 1813 for overtime, \$25.00 per worker per calendar day;
- 1775 for underpayment of the prevailing wage, not more than \$200.00 per day per worker, and not less than \$40.00.
- 1776 for inaccurate or incomplete payroll records, \$100.00 per each calendar day, or portion thereof, for each worker, until strict compliance is effectuated.

The project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. The contractor shall post job site notices, as prescribed by regulation. Each contractor and subcontractor shall furnish the records specified in Section 1776 directly to the Labor Commissioner, in the following manner: At least monthly in a format prescribed by the Labor Commissioner.

The U.S. Department of Transportation (DOT) provides a toll-free "hotline" service to report bid rigging activities. Bid rigging activities can be reported Mondays through Fridays, between 8:00 a.m. and 5:00 p.m., Eastern Time, Telephone No. 1-800-424-9071. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report these activities. The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially, and caller anonymity will be respected.

The Contract Documents under which it is proposed to execute the work consist of the Plans, Standard Specifications, and all material bound herewith. These Contract Documents are intended to be mutually cooperative and to provide all details reasonably required for the execution of the proposed work. Any person contemplating the submission of a proposal shall have thoroughly examined all of the various parts of these Documents and should there be any doubt as to the meaning or intent of said Contract Documents, the Bidder should request of the Engineer, in writing at least six working days prior to bid opening, an interpretation thereof. Any interpretation or change in said Contract Documents will be made only in writing, in the form of addenda to the Documents and will be furnished to all Bidders receiving a set of the Documents, who shall submit, or indicate receipt of all addenda with their proposals. The Owner will not be responsible for any other explanation or interpretations of said Documents.

Questions regarding the Plans and Specifications shall be submitted in writing to Dagan Short at GHD Inc., 718 Third Street, Eureka, CA, by email at dagan.short@ghd.com, or by fax at 707-444-8330. Replies to such inquiries will be in the form of addendum or clarification that will be mailed to all plan holders. Requests for clarification regarding various portions may be made by phone to Dagan Short, at GHD Inc., 707-443-8326. **Technical questions will not be accepted after 5:00 pm, on December 1, 2023.**

Copies of Contract Plans and Specifications may be obtained from the office of GHD Inc., as specified in the Advertisement for Bids. The payment will not be refundable. Contact GHD Inc. to be added to the plan holders list and obtain addenda.

Portions of these Contract Documents may contain standard preprinted material. The Bidder's attention is called to the Conditions of the Contract which may modify and add to the preprinted material contained herein.

Sentences in the Contract Documents which are phrased in mandatory language, but which include no explicit reference to the party who has responsibility for performing the mandated duty, shall be interpreted as imposing responsibility for performance of the duty described on the Contractor. For example, a directive that "the site shall be kept clean" would impose the duty of keeping the site clean on the Contractor.

Where the Proposal for the Work is to be submitted on a unit price basis, unit prices will be accepted on all items of work set forth in the Proposal, except those designated to be paid for as a lump sum. The estimate of quantities of work to be done is tabulated in the Proposal and, although stated with as much accuracy as possible, is approximate only and is assumed solely for the basis of calculation upon which the award of Contract shall be made, unless identified as a final pay item. Payment to the Contractor will be made on the measurement of the work actually performed by the Contractor and as specified on the Contract Documents. The Owner reserves the right to increase or diminish the amount of any class of work as may be deemed necessary.

When the Proposal for the Work is to be submitted on a lump sum basis, a single lump sum price shall be submitted in the appropriate place. The total amount to be paid the Contractor shall be the amount of the lump sum in the Proposal, as adjusted for additions or deletions resulting from changes in construction. After award of Contract, the Contractor will be required to break down the lump sum Proposal into unit prices for the various portions to be completed. This breakdown of unit prices shall be submitted to the owner prior to submittal of any payment request.

All blank spaces in the Proposal form must be filled in, in ink, in both words and figures where required. No changes shall be made in the phraseology of the forms. Written amounts shall govern in cases of discrepancy between the amounts stated in writing and the amounts stated in figures. In case of discrepancy between unit prices and totals, unit prices will prevail.

Any Proposal shall be deemed informal which contains omissions, erasures, alterations, or additions of any kind, or prices uncalled for, or in which any of the prices are obviously unbalanced, or which in any manner shall fail to conform to the conditions of the published Advertisement for Bid.

The Bidder shall sign his Proposal in the blank space provided, therefore. If Bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation. If Bidder is a co-partnership, the true name of the firm shall be set forth above, together with the signature of the partner or partners authorized to sign contracts in behalf of the co-partnership. If signature is by an agent, other than an officer of a corporation or a member of a partnership, a Power of Attorney must be on file with the Owner prior to opening of Proposals or submitted with the Proposal, otherwise the Proposal will be regarded as not properly authorized.

State and local sales and use taxes, as required by the laws and statutes of the State and its political subdivisions, shall be paid by the Contractor. Prices quoted in the Proposal shall include sales tax unless provision is made in the Proposal form to separately itemize the tax.

Any Bidder may modify his bid by telegraphic or written communication at any time prior to the scheduled closing time for receipt of bids, provided such communication is received by the Owner prior to the closing time. The telegraphic or written communication should not reveal the bid price but should state the addition or subtraction or other modification so that the final prices or terms will not be known by the Owner until the sealed bid is opened.

Each Bidder must inform himself of the conditions relating to the execution of the work, and it is assumed that he will inspect the site, subsurface conditions, utility locations, weather, variations of soil moisture and workability with rainfall, site access, and make himself thoroughly familiar with all the Contract Documents. The bidder should check with local contractors regarding local site, surface, subsurface and material conditions and variability. Failure to do so will not relieve the successful Bidder of his obligation to enter into a contract and complete the contemplated work in strict accordance with the Contract Documents. The Bidder's attention is called to the General Conditions and of the Contract Documents in regard to the Bidder's obligation to verify for himself and to his complete satisfaction all information concerning site and subsurface conditions, and Notice requirements.

Each Bidder shall inform himself of, and the Bidder awarded a contract shall comply with, State and local laws, statutes, and ordinances relative to the execution of the Work. This requirement includes, but is not limited to, applicable regulations concerning employment of labor, protection of public and employee safety and health, environmental protection, the protection of natural resources, fire protection, burning and non-burning requirements, permits, fees, and similar subjects.

BIDDERS' CHECKLIST

This checklist has been prepared and furnished to aid bidders in including all necessary supporting information with their bid. Bidders' submittals should include, but are not limited to the following:

<u>ITEM</u>	<u>PAGE</u>	<u>CHECKED</u>
1. Bid	B-6	✓
2. Bid Proposal	B-7	✓
3. Acknowledgement of Addenda	B-8	✓
4. Authority to Sign Bid Proposal	(Attached to Bid Bond)	✓
5. List of Subcontractors (Subcontractor Details)	B-9	✓
6. Bid Bond	B-10	✓
7. Power of Attorney	B-11	✓
8. Non Collusion Affidavit	B-12	✓

BID

Proposal of McCullough Construction, Inc.
(hereinafter called "Bidder"), organized and existing under the laws of the State of California,
doing business as a corporation *.

To the City of Trinidad, (hereinafter called "Owner").

In compliance with your Advertisement for Bids, Bidder hereby proposes to perform all work for the City of Trinidad Tank and Waterline Replacement Project in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated below.

In the event of a difference between a price quoted in words and a price quoted in figures for the same quotation, the words shall be the amount bid. In the event that the product of a unit price and an estimated quantity does not equal the extended amount quoted, the unit price shall govern and the corrected product of the unit price and the estimated quantity shall be deemed to be the amount bid. If the sum of two or more items in a bidding schedule does not equal the total amounts quoted, the individual items amounts shall govern and the corrected total shall be deemed to be the amount bid.

By submission of this bid, each bidder certifies, and in the case of a joint bid, each party certifies as to his own organization, that his bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this bid with any other bidder or with any competitor.

Bidder hereby agrees to commence work under this Contract on or before a date to be specified in the Notice to Proceed and to fully complete the project and pay the liquidated damages as provided in Articles III and IV of the General Conditions.

*Insert "a corporation," "a partnership," or "an individual" as applicable.

BID PROPOSAL

BID SCHEDULE

Bidder agrees to perform all the work described in the Contract Documents for the following unit prices or lump sum.

NOTE: Bids shall include sales tax and all other applicable taxes and fees.

BASE BID SCHEDULE ITEMS				
Item No.	Description	Quantity	Units	Total
1	Mobilization and Demobilization	1	LS	\$214,088.00
2	Water Pollution Control	1	LS	\$8,400.00
3	Traffic Control	1	LS	\$76,438.00
4	Cultural Monitor	1	LS	\$28,160.00
5	Demolition	1	LS	\$49,371.00
6	Site Clearing and Grubbing	1	LS	\$6,800.00
7	Tree Removal	1	LS	\$27,912.00
8	Site Excavation	1	LS	\$82,679.00
9	Site Grading	1	LS	\$64,186.00
10	Seed and Mulch	1	LS	\$19,500.00
11	Removal of existing 8" Asbestos Pipe	2,785	LF	\$335,202.00
12	Removal of existing 4" Asbestos Pipe	965	LF	\$93,315.50
13	Bolted Stainless Steel Tank 250,000 gallon	1	EA	\$810,062.50
14	Tank Foundation	1	EA	\$197,680.00
15	18" Culvert	20	LF	\$3,571.40
16	10" PVC Pipe	1,605	LF	\$542,875.20
17	10" Ductile Iron Pipe	30	LF	\$10,939.50
18	8" Ductile Iron Pipe	48	LF	\$6,401.28
19	8" Stainless Steel Pipe	48	LF	\$20,422.56
20	8" PVC Pipe	1,960	LF	\$471,360.40
21	6" PVC Pipe	365	LF	\$69,711.35
22	Precast Concrete Vault	1	LS	\$21,482.00
23	Rock Energy Dissipation	1	LS	\$1,500.00
24	Trench Cut-off	1	EA	\$2,400.00
25	Bollards	4	EA	\$4,800.00
26	Drainage Inlet	1	EA	\$9,476.50
27	Concrete Curb and Gutter	1	LS	\$110,419.46
28	Entrance Gate	1	EA	\$19,500.00
29	Aggregate Base	1	LS	\$72,051.00
30	Asphalt Pavement Removal and Disposal	1	LS	\$64,233.10
31	Asphalt Surface Restoration	1	LS	\$128,800.00
32	Fire Hydrants	6	EA	\$157,168.98
33	3/4" Water Service Laterals	19	EA	\$76,687.04

TOTAL BASE BID (\$ 3,763,600.37)
(Add Items 1 through 33)

ADDITIVE BID SCHEDULE ITEMS				
Item No.	Description	Quantity	Units	Total
1	10" Compound Flow Meter	1	EA	\$10,1038.70
2	8" Gate Valve	1	EA	\$5,594.78
3	8" AC Pipe Replacement	250	LF	\$108,537.50
4	Fire Hydrant	1	EA	\$27,221.25

TOTAL ADDITIVE BID (\$ 151,992.23)
(Add Items 1 through 4)

Determination of low bid and award:

Awards will be made to the lowest, responsive, responsible, BIDDER. The low bidder shall be determined based on the sum of all Bid Schedules. Depending on the bids and the availability of funds, the City may award some or all the Additive Bid items, or the City may choose not to award any Additive Bid items. Additional bid items may be added to award as a change order during the project and the bid amounts shown here shall be the agreed upon contract amount for the work.


Receipt of the following Addenda is acknowledged:

Add 1 - 12/6/2023

Add 2 - 12/13/2023

The representations made herein are made under penalty of perjury.

Respectfully submitted:


Signature

Secretary
Title

715577
License Number

12/20/2023
Date

11/30/2025
License Expiration Date

(SEAL - If Bid is by Corporation)

SUBCONTRACTOR DETAILS

The bidder certifies that:

- A. ☐ I do not intend to subcontract any work on this project.
- B. ☒ I do intend to subcontract portions of the work on this project.

NOTE: The bidder shall check box A or box B. If the bidder does not check a box, it will be deemed that he has checked box A.

If awarded the Contract, the bidder proposes to employ the following subcontractors who will perform work or labor or render service to the bidder in or about the work in an amount in excess of one-half of one percent (0.5%) of the total amount of Bidder's proposal. If no subcontract work is proposed, except within the one-half of one percent (0.5%) limit set forth, the Bidder shall so state.

Name and Address of Subcontractor	Description of Work to be Subcontracted	Subcontractor's CA License No.	Department of Industrial Relations Registration No.
Professional Asbestos & Lead Services P.O. Box 31986 Stockton CA 95213	Transite piping	700658	1000868914
United Industries Group Inc. 11 Rancho circle Lake Forest CA	Tank supply and install	892030	1000021858
Camblin Steel Service Inc. 548 Gibson Dr. Ste 150 Roseville CA	Rebar	218839	1000003852
Kern Construction P.O. Box 1340 Blue Lake CA 95525	AC Paving	504091	1000001810

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned,

McCullough Construction, Inc.

as Principal, and

Travelers Casualty and Surety Company of America

, as Surety, are hereby held and firmly bound unto

The City of Trinidad, as Owner, in the penal sum of Ten Percent (10%) of Amt. Bid for the payment of

which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed this 7th day of December, 2023.

The Condition of the above obligation is such that whereas the Principal has submitted to
The City of Trinidad a certain bid, attached hereto and hereby made a part hereof to enter into
a contract in writing, for the:

The City of Trinidad Tank and Waterline Replacement Project

NOW, THEREFORE,

(a) If said bid shall be rejected, or

(b) If said bid shall be accepted and the Principal shall execute and deliver a contract in
the Form of Contract attached hereto (properly completed in accordance with said Bid),
and shall furnish a bond for his faithful performance of said contract, and for the payment
of all persons performing labor or furnishing materials in connection therewith, and shall
in all other respects perform the agreement created by the acceptance of said bid,

then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly
understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event,
exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its
bond shall be in no way impaired or affected by any extension of the time within which the Owner may
accept such bid; and said Surety does hereby waive notice of any such extension.

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Contra Costa

DEC - 7 2023

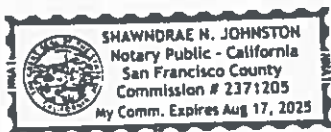
On _____ before me, Shawndrae N. Johnston, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Kathleen Earle
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Shawndrae N. Johnston
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☒ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

SEAL:

McCullough Construction, Inc.

Principal

By: 

Title: Secretary

Travelers Casualty and Surety Company of America

Surety

By: 

Title: Kathleen Earle, Attorney-in-Fact

IMPORTANT - Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

NOTE: Bidder shall provide current "Power of Attorney" for Attorney-in-fact who signs Bid Bond.



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Kathleen Earle** of **SAN RAMON, California**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 21st day of April, 2021.



State of Connecticut

City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the 21st day of April, 2021, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2026




Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 7th day of December, 2023.




Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

707-825-1014 (Phone)
707-825-1769 (Fax)
Federal ID #68-0364776
DUNS #960456275
CAGE Code #3BEMO



HubZone, and DBE Certified
Heavy Civil Engineering
Contractor (715577)
DIR# 1000002994
DBE# 12769
SBE#18976

57 Aldergrove Road
Arcata, CA 95521

www.mcculloughconstructioninc.com

Authorization to Sign Bid Proposal

12/20/2023

To Whom It May Concern:

Chelsey Rios is the Secretary of McCullough Construction, Inc. and is authorized to sign on behalf of the Corporation.

Respectfully,

A handwritten signature in black ink, appearing to read 'Rachelle Hicks', is written over a faint circular stamp.

Rachelle Hicks
Vice-President

NON COLLUSION AFFIDAVIT TO BE EXECUTED
BY BIDDER AND SUBMITTED WITH BID
(Public Contract Code 7106)

State of California
County of Humboldt
City of Arcata
The undersigned declares:

Chelsey Rios, being first duly sworn, deposes and says that he or she is
Secretary of McCullough Construction, Inc., the party making the foregoing bid. The bid is not made in
the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization,
or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly
induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly
colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain
from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement,
communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix
any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements
contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or
any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any
corporation, partnership, company, association, organization, bid depository, or to any member or agent
thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for
such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint
venture, limited liability company, limited liability partnership, or any other entity, hereby represents that
he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

By 

Subscribed and sworn to before me on 12/20/2023
(date)

See attached
California Jurat

(Notary Public)

(SEAL)

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____
 Signature of Document Signer No. 1 Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

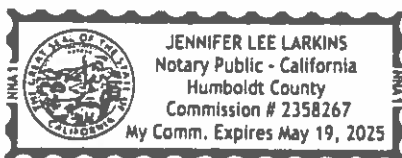
State of California
 County of Humboldt

Subscribed and sworn to (or affirmed) before me
 on this 20th day of December, 2023,
 by Date Month Year

(1) Chelsey Rios

(and (2) _____),
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
 to be the person(s) who appeared before me.



Signature Jennifer Lee Larkins
 Signature of Notary Public

Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Non Collusion Affidavit Document Date: 12/20/23

Number of Pages: 1 Signer(s) Other Than Named Above: None



Trinidad Tank and Pipeline Replacement – Addendum 1

6 December 2023

To	Plan Holders
From	Steve Allen and Dagan Short
Subject	Addendum 1 – Bid-Phase Revisions to Plans and Specifications

Addendum 1 includes the following Plans and Specifications that were revised in response to the questions and comments received during the bid phase. The updated Plans and Specifications presented in this Addendum shall replace the associated Plans and Specifications in the contract documents in their entirety.

Specifications

- Information to Bidders
- Subcontractor Details
- (Revised) Section 03 48 00 Precast Concrete Utility Boxes, Manholes, and Vaults
- (Revised) Section 33 12 13 Water Main and Service Connections
- (New) Section 08 31 00 Stainless Steel Vault Access Covers

Plans

- Sheet C-102
- Sheet C-105
- Sheet C-109
- Sheet C-502
- Sheet C-503

Geotechnical Report

Prebid Questions and Answers

Regards,

Steve Allen, PE
Project Engineer



Trinidad Tank and Pipeline Replacement – Addendum 2

13 December 2023

To	Plan Holders
From	Dagan Short and Steve Allen
Subject	Addendum 2 – Cultural Monitor Contact Information

Addendum 2 includes the Cultural Monitor Contact Information. A Cultural Monitor is required to be present during all ground disturbance and excavation work for the project. Please see the following Specification Sections for reference:

- Specification 01 10 00.3 – Summary
- Specification 01 50 00.7 – Temporary Facilities and Controls
- Specification 31 23 00 Section 1.5 – Earthwork:

"The Contractor shall notify the Engineer a minimum of 72 hours in advance of any excavation, and will not proceed with any excavation work until cleared to do so by the Engineer. A local Tribal (Cultural) Monitor must be on site during ground disturbance activities. The contractor is advised that if any archaeological findings are discovered during construction that the monitor has the authority to slow or stop construction activities as they deem necessary. A list of available Cultural Monitors is available from the City upon request."

Cultural Monitor Contact Information

Trinidad Rancheria
(707) 677-0211
Rachel Sundberg, THPO
rsundberg@trinidadrancheria.com

Tsurai Ancestral Society
Sarah Lindgren-Akana, Secretary
mzlindgren79@gmail.com

Yurok Tribe
Rosie Clayburn, THPO
Tribal Heritage Preservation Officer
Cultural Resources
(707) 482-1350 ext. 1309
rclayburn@yuroktribe.nsn.us

Please note that only one Cultural Monitor is required to be present during ground disturbance activities and they shall be subject to California prevailing wage requirements. It is not necessary to contact or retain a Cultural Monitor prior to submitting Bids.

Regards,

Dagan Short, PE
Project Engineer

Contractor Information

Legal Entity Name

MCCULLOUGH CONSTRUCTION INC.

Legal Entity Type

Corporation

Status

Active

Registration Number

1000002994

Registration effective date

07/01/22

Registration expiration date

06/30/25

Mailing Address

57 ALDERGROVE ROAD ARCATA 95521 CA Unit..

Physical Address

57 ALDERGROVE ROAD ARCATA 95521 CA Unit..

Email Address

denamccullough@mcculloughconstructioninc.com

Trade Name/DBA

MCCULLOUGH CONSTRUCTION INC.

License Number (s)

CSLB:715577

CSLB:715577

Registration History

Effective Date	Expiration Date
----------------	-----------------

05/08/18	06/30/19
----------	----------

05/08/17	06/30/18
----------	----------

05/22/16	06/30/17
----------	----------

06/29/15	06/30/16
----------	----------

11/20/14	06/30/15
----------	----------

07/01/19	06/30/22
----------	----------

07/01/22	06/30/25
----------	----------

Legal Entity Information

Corporation Entity Number:

C1948222

Federal Employment Identification Number:

680364776

Agency for Service:**Agent of Service Name:**

Rachelle L Hicks

Agent of Service Mailing Address:

57 Alder Grove Road Arcata 95521

President Name:

Hugh M McCullough

Vice President Name:

Rachelle L Hicks

Treasurer Name:

Hugh M McCullough

Secretary Name:

Chelsey Rios

CEO Name:

Hugh M McCullough

Worker's Compensation

Do you lease employees through Professional Employer Organization (PEO)?:
Please provide your current worker's compensation insurance information below:

No

	PEO	PEO	PEO
PEO Information	Name	Phone	Email

Insured by Carrier

Policy Holder Name:

Insurance Carrier:

Policy Number:

Inception date:

Expiration Date:

MCCL

STATE

16713

10/01/

10/01/

BIDDERS' CHECKLIST

This checklist has been prepared and furnished to aid bidders in including all necessary supporting information with their bid. Bidders' submittals should include, but are not limited to the following:

<u>ITEM</u>	<u>PAGE</u>	<u>CHECKED</u>
1. Bid	B-6	
2. Bid Proposal	B-7	
3. Acknowledgement of Addenda	B-8	
4. Authority to Sign Bid Proposal	(Attached to Bid Bond)	
5. List of Subcontractors (Subcontractor Details)	B-9	
6. Bid Bond	B-10	
7. Power of Attorney	B-11	
8. Non Collusion Affidavit	B-12	

BID

Proposal of G R Sundberg Inc.
(hereinafter called "Bidder"), organized and existing under the laws of the State of California,

doing business as a Corporation *.

To the City of Trinidad, (hereinafter called "Owner").

In compliance with your Advertisement for Bids, Bidder hereby proposes to perform all work for the City of Trinidad Tank and Waterline Replacement Project in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated below.

In the event of a difference between a price quoted in words and a price quoted in figures for the same quotation, the words shall be the amount bid. In the event that the product of a unit price and an estimated quantity does not equal the extended amount quoted, the unit price shall govern and the corrected product of the unit price and the estimated quantity shall be deemed to be the amount bid. If the sum of two or more items in a bidding schedule does not equal the total amounts quoted, the individual items amounts shall govern and the corrected total shall be deemed to be the amount bid.

By submission of this bid, each bidder certifies, and in the case of a joint bid, each party certifies as to his own organization, that his bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this bid with any other bidder or with any competitor.

Bidder hereby agrees to commence work under this Contract on or before a date to be specified in the Notice to Proceed and to fully complete the project and pay the liquidated damages as provided in Articles III and IV of the General Conditions.

*Insert "a corporation," "a partnership," or "an individual" as applicable.

BID PROPOSAL

BID SCHEDULE

Bidder agrees to perform all the work described in the Contract Documents for the following unit prices or lump sum.

NOTE: Bids shall include sales tax and all other applicable taxes and fees.

BASE BID SCHEDULE ITEMS				
Item No.	Description	Quantity	Units	Total
1	Mobilization and Demobilization	1	LS	\$ 189,000 ⁰⁰
2	Water Pollution Control	1	LS	\$ 13,000 ⁰⁰
3	Traffic Control	1	LS	\$ 299,000 ⁰⁰
4	Cultural Monitor	1	LS	\$ 36,000 ⁰⁰
5	Demolition	1	LS	\$ 55,000 ⁰⁰
6	Site Clearing and Grubbing	1	LS	\$ 48,000 ⁰⁰
7	Tree Removal	1	LS	\$ 32,000 ⁰⁰
8	Site Excavation	1	LS	\$ 44,700 ⁰⁰
9	Site Grading	1	LS	\$ 220,000 ⁰⁰
10	Seed and Mulch	1	LS	\$ 8,250 ⁰⁰
11	Removal of existing 8" Asbestos Pipe 92 ⁰⁰	2,785	LF	\$ 256,220 ⁰⁰
12	Removal of existing 4" Asbestos Pipe 92 ⁰⁰	965	LF	\$ 88,780 ⁰⁰
13	Bolted Stainless Steel Tank 250,000 gallon	1	EA	\$ 944,000 ⁰⁰
14	Tank Foundation	1	EA	\$ 131,400 ⁰⁰
15	18" Culvert 340 ⁰⁰	20	LF	\$ 6,800 ⁰⁰
16	10" PVC Pipe 112 ⁰⁰	1,605	LF	\$ 179,760 ⁰⁰
17	10" Ductile Iron Pipe 332 ⁰⁰	30	LF	\$ 9,960 ⁰⁰
18	8" Ductile Iron Pipe 192 ⁰⁰	48	LF	\$ 9,216 ⁰⁰
19	8" Stainless Steel Pipe 555 ⁰⁰	48	LF	\$ 26,640 ⁰⁰
20	8" PVC Pipe 112 ⁰⁰	1,960	LF	\$ 219,520 ⁰⁰
21	6" PVC Pipe 95 ⁰⁰	365	LF	\$ 34,675 ⁰⁰
22	Precast Concrete Vault	1	LS	\$ 55,000 ⁰⁰
23	Rock Energy Dissipation	1	LS	\$ 7,350 ⁰⁰
24	Trench Cut-off	1	EA	\$ 28,800 ⁰⁰
25	Bollards 1,000 ⁰⁰	4	EA	\$ 4,000 ⁰⁰
26	Drainage Inlet	1	EA	\$ 3950 ⁰⁰
27	Concrete Curb and Gutter	1	LS	\$ 6,600 ⁰⁰
28	Entrance Gate	1	EA	\$ 2850 ⁰⁰
29	Aggregate Base	1	LS	\$ 105,000 ⁰⁰
30	Asphalt Pavement Removal and Disposal	1	LS	\$ 79,000 ⁰⁰
31	Asphalt Surface Restoration	1	LS	\$ 89,000 ⁰⁰
32	Fire Hydrants 14,400 ⁰⁰	6	EA	\$ 89,400 ⁰⁰
33	3/4" Water Service Laterals 2,400 ⁰⁰	19	EA	\$ 45,600 ⁰⁰

TOTAL BASE BID (\$ 3,368,471.00)
(Add Items 1 through 33)

ADDITIVE BID SCHEDULE ITEMS				
Item No.	Description	Quantity	Units	Total
1	10" Compound Flow Meter	1	EA	\$ 18,300.00
2	8" Gate Valve	1	EA	\$ 6,270.00
3	8" AC Pipe Replacement 95.00	250	LF	\$ 23,750.00
4	Fire Hydrant	1	EA	\$ 14,400.00

TOTAL ADDITIVE BID (\$ 62,720.00)
(Add Items 1 through 4)

Determination of low bid and award:


Awards will be made to the lowest, responsive, responsible, BIDDER. The low bidder shall be determined based on the sum of all Bid Schedules. Depending on the bids and the availability of funds, the City may award some or all the Additive Bid items, or the City may choose not to award any Additive Bid items. Additional bid items may be added to award as a change order during the project and the bid amounts shown here shall be the agreed upon contract amount for the work.

Receipt of the following Addenda is acknowledged:

Addendum 1
Addendum 2

The representations made herein are made under penalty of perjury.

Respectfully submitted:


Signature Garth R. Sundberg Jr.

President
Title

73269
License Number

12/20/2023
Date

7/31/2024
License Expiration Date

(SEAL - If Bid is by Corporation)

SUBCONTRACTOR DETAILS

The bidder certifies that:

- A. ☐ I do not intend to subcontract any work on this project.
- B. ☒ I do intend to subcontract portions of the work on this project.

NOTE: The bidder shall check box A or box B. If the bidder does not check a box, it will be deemed that he has checked box A.

If awarded the Contract, the bidder proposes to employ the following subcontractors who will perform work or labor or render service to the bidder in or about the work in an amount in excess of one-half of one percent (0.5%) of the total amount of Bidder's proposal. If no subcontract work is proposed, except within the one-half of one percent (0.5%) limit set forth, the Bidder shall so state.

Name and Address of Subcontractor	Description of Work to be Subcontracted	Subcontractor's CA License No.	Department of Industrial Relations Registration No.
Coastal Tree Service PO Box 2987 McKinleyville, CA 95514	Tree trim / removal	854 707	100 001 8593
Humboldt Fence 564 Hwy 36 Fortuna, CA. 95540	Gate / Fence	808 339	100 000 3061
Points West Surveying 5201 Carlson Dr. Arcata, CA. 95521	Survey	—	100 000 0677
United Industrial Group 11 Rancho Circle Lake Forest, CA. 92630	Tank install	892 030	100 021 858

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned,

GR Sundberg, Inc. as Principal, and

Liberty Mutual Insurance Company, as Surety, are hereby held and firmly bound unto

The City of Trinidad, as Owner, in the penal sum of Ten Percent (10%) of Bid Amount for the payment of

which, well and truly to be made, we hereby jointly and severally bind ourselves, successors and assigns.

Signed this 13th day of December, 2023.

The Condition of the above obligation is such that whereas the Principal has submitted to
The City of Trinidad a certain bid, attached hereto and hereby made a part hereof to enter into
a contract in writing, for the:

The City of Trinidad Tank and Waterline Replacement Project

NOW, THEREFORE,

(a) If said bid shall be rejected, or

(b) If said bid shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said Bid), and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid,

then this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such bid; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

SEAL:

GR Sundberg, Inc.

Principal

By: 

Charles R. Sundberg Jr.

Title: President

Liberty Mutual Insurance Company

Surety

By: 

Title: Emmalyn Nichols, Attorney-in-Fact

IMPORTANT - Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the project is located.

NOTE: Bidder shall provide current "Power of Attorney" for Attorney-in-fact who signs Bid Bond.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

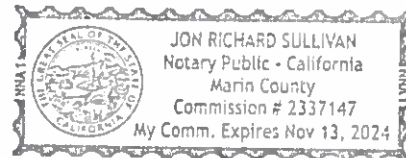
State of California
County of Marin

On December 13, 2023 before me, Jon Richard Sullivan, Notary Public
(insert name and title of the officer)

personally appeared Emmalyn Nichols
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Jon R Sullivan (Seal)



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8204910-024088**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Emmalyn Nichols; Jon Richard Sullivan; Karen Rhodes; Susan J. McGowan; Tammy Bates

all of the city of Novato state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 24th day of February, 2021.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 24th day of February, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 13th day of December, 2023.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

NON COLLUSION AFFIDAVIT TO BE EXECUTED
BY BIDDER AND SUBMITTED WITH BID
(Public Contract Code 7106)

State of California
County of Humboldt
City of Arcata
The undersigned declares:

Garth R. Sundberg JR., being first duly sworn, deposes and says that he or she is
President of GR Sundberg Inc., the party making the foregoing bid. The bid is not made in
the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization,
or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly
induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly
colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain
from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement,
communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix
any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements
contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or
any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any
corporation, partnership, company, association, organization, bid depository, or to any member or agent
thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for
such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint
venture, limited liability company, limited liability partnership, or any other entity, hereby represents that
he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

By  _____

Subscribed and sworn to before me on _____
(date)

see attached

(Notary Public)

(SEAL)

OFFICIAL CALIFORNIA NOTARIAL CERTIFICATE
JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California

County of Humboldt

Subscribed and Sworn to (or Affirmed) before me on this 19th day of December, 2023
by: Garth R. Sundberg, JR., proved to me on the basis of
satisfactory evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.



B. Rheinschmidt
Signature of Notary

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DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION ATTACHED

4. 2024 Calendar Year Orientation, Meeting Schedule, Project Priorities and Updates

DISCUSSION/ACTION AGENDA

Date: Tuesday, January 09, 2024



Item: 2024 Calendar Year Orientation, Meeting Schedule, Project Priorities and Updates

Background: January is the beginning of a new calendar year and the mid-way point through the fiscal year. 2024 is shaping up to deliver several challenges that depending on the outcome will define the level of service the City is able to provide the community in years to come.

First, the City must address rising costs of doing business. High fuel and energy rates trickle down through every invoice received for materials, supplies, labor, and contracted services. As directed in the FY2024 Budget approval, Staff has begun several rate optimization tasks currently in the pipeline, including Water, Cemetery, and Building Permit fees. The water rate discussion will be an eye-opener, and is set to begin in March at the same time the conversation will begin to propose a continuation of the .75% Sales Tax Add-On rate.

Second, several steps are necessary each month to implement all the legal requirements involved to modify rates for service. Some are determined by State Law (Water Rates, Prop 218), Election Codes (Sales Tax), or local ordinances (Building Permits, Cemetery Plot fees). To help ensure the City stays on track, Staff is providing this road map to raise awareness of what's to come and keep things moving in the right direction.

These are some of the baseline projects that will lay the groundwork for upcoming agendas through June 30. There will be plenty of other assignments, requests, and issues that will surface along the way, but this should help set the rails and identify immediate priorities.

Meeting Schedule & Council Meeting Priority Discussion Topics

January

- City Council will hold its first 2024 regular meeting on January 09.
- Trails Committee will meet on January 16.
- Planning Commission will meet on January 17.
- Council/Planning Commission/Short-Term Rental Advisory Committee will hold the Annual Joint Meeting on January 23.

FPPC Form 700: The FPPC has emailed all required filers representing the City (Council, Planning Commission, and select staff) alerting them of the April 01, Conflict of Interest Form 700 annual filing deadline. Staff has migrated all filers to the online portal, and highly encourages everyone to take a moment and renew your annual filing electronically. If you have had no changes to your previous filing schedules, the renewal process could take less than 1-minute once you've logged into the system. Please reach out to staff if you have any questions and we'll walk you through it.

February

- Election Year Calendar Kick-Off
- Water Rate Analysis Update
- Volunteer Fire Department Staffing, and long-range planning

March

- Continued Water Rate Analysis discussion
- Fees for service and rate optimization (Cemetery, Building Permits)
- Begin Fiscal Year Budget preparation
- Discussion (Part 1) regarding Sales Tax Extension, benefits/implications to the City in general, ballot measure language, termination date options, questions, staff homework, etc.

April

- Water Rate adjustment Prop 218 Protest Hearing
- Discuss/Consider Sales Tax Extension (Part II) Implications on 2025 budgeting, continued rate optimization processes, preliminary FY2025 Budget kick-off.

May

- Resolution deadline calling for General Election
- Resolution deadline calling for election on a proposal to extend the Sales Tax Increase
- Final phase of FY2025 Budget preparation
- New Water Rates go into effect.

June

- Adopt FY 2025 Budget
- Prepare/Present/Announce the upcoming election season calendar: (2) Councilmember seats & Sales Tax Extension.

Project Updates/Partial List of 2023 Accomplishments - from the City Manager's Office

- New City of Trinidad Website
- Stormwater Project Completion
- Leash Law Signs and Letter to Residents
- Animal Control Contract with County
- Pacific Coast Security supplementing Deputy Sheriffs
- CERT (Community Emergency Response Team) formed for Greater Trinidad Area
- Parker Creek Trail access to Old Home Beach renovated
- Beach Erosion curtailed with matting/netting
- Coastal Resilience Action Plan progressing with community input
- New city staff added to water plant and public works
- Parks Bond planning for pickleball court
- Assisted reemergence of Greater Trinidad Chamber of Commerce
- Identified potential sites for raw water storage tanks
- Initiated traffic calming measures
- Replaced deteriorated park benches
- Seeking additional grants for water system and other improvements
- Planned two crosswalks for Edwards Street
- Regional planning for a fire district
- Regional edible food recovery and composting programs
- Repaired a number of leaking water pipes to curtail water loss

Presentation item only. No decision required.



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION ATTACHED

5. Discussion/Decision regarding Mid-Year 2023-2024 Budget Update and Adjustments.

DISCUSSION/ACTION AGENDA

Date: Tuesday, January 09, 2024

Item: Discussion/Presentation regarding Mid-Year Budget Review

Background: Public entities operate on the fiscal year cycle beginning July 01, and ending June 30. April and May signal the beginning of budget preparation season. July 01 is the deadline to adopt a budget spending plan. Periodically through the year it is fiscally responsible for governing boards to do a pulse check on revenues and expenses, and ensure the plan is on track. It makes sense to do this mid-year as it could identify unusual trends and allow time to course-correct as necessary.

The tools we use to develop the framework for the complex financial structure, check and balance it, and measure stress or successes to the system are as follows:

- Annual Budget adopted on or before July 01 each year.
- Budget summaries and narratives included in meeting packets during budget preparation.
- Detailed financial reports provided by the bookkeeper.
- General Ledger (an extended excel spreadsheet detailing every, single transaction, in and out.
- Annual Audit.

Included as attachments to this packet is everything but the general ledger and annual audit. The status of FY2023 Audit is still to be determined.

Budget Overview: The City's budget consists of individual budgets within the following structure:

General Fund:	Administrative, Public Works, Police, & Fire
Restricted Funds:	Water & Cemetery
Special Revenues:	Gas Tax, Transportation (TDA) & COPS
Grants:	Grant Funds are a vital source of revenue that helps fund critical infrastructure, and long-range planning.

General Revenue sources include Sales Tax, Occupancy Tax, Fees for Service, Rents and Franchise income, etc. These revenues are unrestricted.

Restricted Revenue is received for Water Service, Cemetery plot sales, Transportation and Gas Tax sources, COPS or Measure Z funding, etc. These revenues are restricted for use as per laws or legislation provided from each source.

The staff report from June 13, 2023 was a benchmark indicating the City's thought process, using financial reports and forecasting to develop the spending plan for 2023-2024. Some of the highlights from that report included:

- Transitional period due to post-Covid economics may require dipping into reserves as costs to provide essential services become dynamic and uncertain.
- A prediction of deficit spending was based on under-anticipated revenue projections for the most volatile sources, such as Occupancy and Sales Taxes.
- Anticipate a Fiscal Year-end 2023 spending deficit in the Water Fund of approximately \$300k, and another \$280k or more in 2024 if a local staffing solution isn't found to help stabilize consultant costs. leaving the reserve fund balance at a red-line level of approximately \$300k.
- Coupled with stabilizing soft-costs, Staff was directed to embark on the Water Rate Analysis to further stabilize advanced reserve spending.

Fiscal Year End 2023 (June 30, 2023) Preliminary, Un-Audited Conclusions:

Staff delivers FY2023 year-end information with caution, due to the June 30, 2023 statements yet to be audited.

Revenues: The preliminary results of the year-end financial statements suggest the City planned for General Fund deficit spending of \$24,858, but ended up with a surplus of approximately \$98,726 (see attached FY2023 Budget Summary, Budget to Actual, showing the variances in each resource by inflows and outflows).

It appears that the surge in Sales Tax revenue from the prior fiscal year (Covid influenced) stabilized by landing within the City's historic and anticipated level the following year. Occupancy Tax revenue exceeded budget expectations, and surge in development activity yielded higher than anticipated permit fee revenue.

Expenditures: City did not spend as anticipated from the General Fund. Underspending, in this case, does not mean that the community did not receive the services or programs they expect. First, the underspending appears to be directly related to a prior year, high-level of City Attorney fees being carried forward in anticipation of similar level of activity in 2023, which didn't materialize. Second, the City budgeted for supplemental private security that didn't launch until the final few months of the fiscal year, thus translating to what can be considered "savings".

Water Fund: Due to a severely under-budgeted line item for Contracted Services (Water Fund 6.01, Expense code 75300) the financial statement looks completely tilted. The revenue projections landed within 7% range, but expenses show an almost 58% negative differential. Due to an unanticipated staffing challenge, the City was forced to continue utilizing the services of an certified, licensed independent contractor, Coleman Engineering for the entire fiscal year, resulting in reserve spending in excess of the \$300k anticipated.

Fiscal Year 2024 Staff Organizational Structure, Talking Points, and Successes

Staffing: A staff organizational chart is included in the packet. It depicts staff titles and structure, based on the positions full-time equivalent (FTE). Currently the City employs approximately 9.25 FTE employees (based on a combination of full-time and part-time employees. Six employees are actual full-time and benefited.

The two administrative staff members are settling into their second year of service. One of the two positions were reclassified this year to more accurately reflect the responsibilities assigned, which falls in line with the budget year goal of staff realignment with the City's priorities to promote accountability, longevity, and advancement.

Public Works recently hired a fourth maintenance tech that is also a T-2 Operator-In-Training, along with the Public Works Director. The part-time Public Works Maintenance tech is in training to obtain a Water Distribution Certification (D2).

After nearly 17 years of service, the Grants Director will be down-shifting from full-time to part-time in January 2024. Additional responsibilities have been allocated to the new Grant Administrator hired in April 2023 to maintain reliability and continuity in the Grant Department during the transition.

The Water Plant is still searching for an in-house T3 Chief Plant Operator. Currently secured by contracted staff from Coleman Engineering, the Water Department's primary objective remains to provide quality and reliable drinking water that meets or exceeds Safe Drinking Water Standards set by the State of California. To do so requires a technically trained, licensed Treatment Level 3 Operator at the helm.

Over the last year the City has been focused on developing an Operator-In-Training team that so far has relieved a significant share of the expense related to having a contracted T-3 Chief Operator, by assisting the Chief as his "boots on the ground", while they progress through their training and licensing program.

The objective is to relieve the Water Fund reserves of the high cost of contracted services before they are depleted, in conjunction with realigning the water rates to accurately reflect the cost of providing reliable and

safe drinking water through in-house staffing, as soon as possible. Meanwhile, the Water Fund is currently under the microscope, operating into a third year of significant reserve spending.

Financial Statements are included in this packet, for all activity covering the period July 01-November 30. An easy scan of the primary funds (Revenue, Administration, Public Works, Fire, and Police) depict spending at or near 50% (midway through the year). With the exception of a few corrections staff will coordinate with the bookkeeper, overall the City is on track for another year in the black.

Concerns: The main funds currently under the microscope are the Water and Cemetery Special (or Restricted) Funds. Both are spending more than they're taking in. The Water Fund, most impressively, followed by the Cemetery Fund which is due for a rate increase. A realignment of the Cemetery Fund rates will better position the fund to sustain itself into the future, but also minimize an alarming run-on Trinidad Cemetery space that allegedly has low rates partially to blame.

Conclusions: The General Funds are on track. Staffing is adequate, developing, and employees are becoming enriched with time served. Programs and services are expanding as planned. Public Works is developing cohesive teamwork. The Fire Department is serving the City, but also experiencing some growing pains. Public Safety has been enhanced, overall, with the supplemental private security company patrolling the City on a regular basis.

The Water Fund, however, continues to leak oil. Staff is working strategically to develop and recruit new operators, while ensuring safe drinking water is being provided to customers. The Public Works Department is doing a great job holding down the fort while the consultant operates plant controls. Staff is hoping that grassroots recruiting strategies will yield long-term, dedicated team members in the near-term.

The water rate study is underway and will be a challenging task before the Council in April. The results, however, will provide much needed stability to the Water Department before the end of the fiscal year that will help right the ship.

The cost of "keeping the lights on" continues to rise, and touch every aspect of public service. Although the City has been slow to react to the trends over the past 3-years, dedicated reserves have provided much needed stability during the transition that will allow a more articulate, calculated, justified realignment of fees to better position the City to sustain the desired programs and services into the future. This will continue to play out during the remainder of this fiscal year and into budget preparations for 2025, slated to being in April.

Recommended action: Presentation/Q&A Session only. No decisions anticipated.

DISCUSSION/ACTION AGENDA

Date: Tuesday, June 13, 2023

Item: Discussion/Decision regarding Resolution 2023-05; Adopting the FY2024 City Budget

Background: Two meetings were held in May to help pave the way to a final draft budget proposal on June 13. On May 23 staff presented various components of the budget structure, the overall health of the General Fund and Special Revenue Funds, how reserves will play a key factor in balancing the budget this year, and the anticipated challenges ahead.

Along with maintaining and enhancing current service levels provided to the City, the current draft of the 2024 Budget aims to provide a continued focus on transitional stability for the Water Department, a commitment to keeping public buildings maintained, and an alignment of staff responsibilities and wages to encourage upward mobility and retention. Staff emphasizes that this is a “working draft” that will need adjustments as the year progresses, and accurately reflects the desires of the community based on priorities set by the Council. The draft includes revenue and expenditure budget worksheets for each of the fund categories;

General Fund:	Administrative, Public Works, Police, & Fire
Restricted Funds:	Water & Cemetery
Special Revenues:	Gas Tax, Transportation (TDA), & COPS

A recap of Fiscal Year ending June 30, 2022, along with projections for Fiscal Year ending June 30, 2023 were presented in summary formats for comparative purposes at prior meetings.

General Fund: It is still unclear how economic trends will affect Trinidad’s top two revenue sources, sales and occupancy taxes, which appear to be resilient. The City’s conservative approach to spending, coupled with steady revenues from the baseline economy and significant contributions from visitors has helped build the City’s reserves over time.

Sales and Occupancy taxes are volatile revenue sources. They are strong when the economy is healthy, but easily disrupted by natural disasters such as wildfires, droughts, pandemics, or human-triggered disasters such as housing or market crashes. It is common for cities that are primarily funded by fragile revenue streams to maintain healthy reserves. Since 2005 Trinidad City leaders have prioritized fiscal stability and responsibility, and the reserves established exemplify that commitment.

The reserves provide short-term insurance to shield the City from sudden changes, to use as matching funds to leverage larger grant funding, provide cash-flow support during large-scale grant construction phases, and to stabilize the budget in an emergency. Several of the following situations are examples of how the City may use the reserves this year if revenues fall below expectations;

- The sudden increase in County Sheriff contract costs.
- Supplement law enforcement with private security services.
- Provide salary incentives to encourage employee retention with increased responsibility.
- Measure Z Funding is unavailable for additional law enforcement coverage.
- Cover increasing costs due to State of Federal mandates and regulations.
- Emergency repairs to fragile infrastructure (coastal bluffs, roads, etc.)
- Maintain public buildings and important city assets such as trails and recreation infrastructure.

Balanced Budget: The budget presented conservatively projects that the transitional period ahead may require dipping into the reserves while costs to provide general and special revenues are evaluated during this pivotal year. Staff has maintained a budget strategy of keeping revenue expectations modest, and expenditures generous. This practice helps the City to course-correct ahead of changes rather than behind

them. The budget summary predicts a slight deficit this year, but there are several revenue sources that have been under-anticipated. If revenue sources exceed expectations, the budget will balance by year-end 2024.

Water Fund: The cost to operate the water treatment plant continues to rise. A simple way to understand why is to separate expenses in two categories, hard and soft costs, and evaluate the trends in each category. Hard costs have been consistent, but soft costs have increased significantly.

Hard costs include general operating expenses such as energy costs to run the plant, in-house licensed personnel, treatment technology, filters, hardware, vehicle and machinery, treatment processes, etc.

Soft costs include technical and engineering staff time required to evaluate demand from a growing community, future planning, drought consulting in response to the changing environment, resiliency effort, and loss of experienced operators.

At year-end June 30, 2022 the water system spent overspent approximately \$273,000 more than it earned in water sales revenue. The deficit was anticipated and authorized by the Council due the lack of adequate T-3, in-house employees requiring private consultant oversight (soft costs).

At year-end June 30, 2023, the water system is expected to overspend approximately \$300,000, leaving the leaving the reserve at 50% of what it was at its peak. City Management is developing a staffing strategy to hopefully relieve the private contracting service of a large part of their responsibility, thereby reducing costs significantly throughout the year.

At year-end June 30, 2024, the water system is projected to overspend an additional \$280,000, leaving the fund balance at a red-line level (approximately \$300,000). The budget includes a priority for management to begin a rate analysis immediately. The analysis will hopefully lead to rate revisions that will be implemented by the end of December 2023 addressing significant revenue short-falls.

The cost of operating a small water system, maintaining its efficiency, in a very desirable area to live, functioning to provide a precious resource to a community that has emphasized a desire to live "within its means" (or local watershed), will prove to be a challenge for the rate payers. The water system will rely on reserve funds to operate until the rates are adjusted to reflect this new reality, and this budget will authorize staff to put the wheels in motion to begin evaluating a new rate structure.

2024 Budget Goals & Priorities Summary:

1. Utilize reserves established from prior fiscal years, if needed, to support staff transitions.
2. Evaluate and update charges for services to reflect the times (General & Special Funds).
3. Maintain current law enforcement coverage and improve vital government services.
4. Educate and enforce new laws passed to discourage overnight parking, camping, etc.
5. Reclaim Water Plant Operations from licensed, interim consultants.
6. Update the Water Rate Structure to reflect the true costs of operating a small water system in high demand.
7. Maintain and invest in public buildings, parks, and property.
8. Support community groups that enrich the community for locals and visitors, as they emerge from pandemic hibernation.
9. Continue promoting an inclusive dialog with Tribal Governments, and finalize the Government to Government policy to facilitate consultation on important topics of mutual concern.
10. Continue grant programs that will help the City satisfy several elements of the General Plan update.

Proposed action:

Field questions from Council, revise budget line items as necessary, and approve Resolution 2023-05; Adopting the FY2024 Budget.

2022-2023 General Fund Summary - Operating Revenue vs. Expenses

REVENUE	2023 Budget	Actual	UNAUDITED JUNE 30, 2023
General Fund Revenue Projection:	\$ 731,600	\$ 772,795	*CIRA grants available as needed
Cemetery Plot Purchases	\$ 15,250	\$ 16,862	
Humboldt Sanitation Franchise Fees	\$ 10,000	\$ 12,832	
TDA Transfer-In for TPW Labor	\$ 8,700	\$ -	*Reserve funds available as needed
Total Revenue	\$ 765,550	\$ 802,489	
EXPENSES			
General Fund Admin	\$ 493,563	\$ 435,468	
Public Works	\$ 185,224	\$ 201,652	
Fire	\$ 19,350	\$ 9,972	
Police	\$ 60,265	\$ 28,086	*Private security option included
Cemetery	\$ 22,006	\$ 21,442	
Waste Management	\$ 10,000	\$ 7,143	
Total Expenses	\$ 790,408	\$ 703,763	
Balance	\$ (24,858)	\$ 98,726	*Reserve funds dedicated to cover this

Highlights:

- General Fund** Funds a significant portion of the following positions:
City Manager, City Clerk, Project Manager, Asst. Clerk & Consultants.
Assistant Clerk position to full-time, supporting grant projects as needed.
Includes City Attorney as a fully involved staff member
General service level increases with full-time staff.
Continued support of Library, Museum, Land Trust
Continued progress on the General Plan Update
Will require commitment to optimize fees for services to sustain.
- Public Safety** Contract renewal with HCSO for full-time 24/7 coverage
Budget includes discretionary funds for private security
Emphasis on enforcement of current laws, plus amended ordinances related to...
...overnight parking, and related restrictions.
- Public Works** Includes several part-time employees.
Concluding Stormwater Phase II Construction - Grant Funded
\$10,000 set aside for Trail Maintenance projects per Trails Comm.
Funds remain reserved for Civic Club Room Update \$10k
Priority to invest in maintenance projects for Town Hall.
- Water Fund** Anticipates transition from Water Plant operations from Contractor to City control
Estimated deficit spending of \$161,000.
Budget includes (1) Chief Operator, (2) Part-time T2 Operators.
Includes additional consulting costs to facilitate the transition
Rate Analysis (Prop 218) & Continued Water System Consulting
Drought Monitoring, Outreach, and Contingency Planning
Technical Support to the Water Advisory Committee
Luffenholtz Creek flow-monitoring.

\$25,000 allocated for priority valve replacements
 Significant rise in costs due to many factors.
 Rate Analysis will be necessary to sustain costs and rebuild reserves.

Streets/Roads Special Revenue Funds (Gas Tax, TDA, RMRA) used as needed.
 No special projects budgeted at this time, but funds are available.
 TDA Funds in reserve can be transferred to General Fund to offset TPW labor.

Reserve Funding Town Hall Exterior Wash and Trim Paint, and deck repair.

Requiring council approval at a later date Town Hall Window Replacement Project - up to \$57,000 paid with reserve funds

Grant Projects

Fund	Grant Award	Grant
213	\$ 160,000	SB2 Housing Element Planning Grant
214	\$ 65,000	HCD Local Early Action Planning Grant (Promote Housing)
215	\$ 200,000	LCP Update Grant 3 Coastal Commission
528	\$ 4,833,000	Prop 84 ASBS Storm Water Project Phase 2 (ends 6/30/22)
531	\$ 440,000	Prop 68 Trinidad Community Coastal Resilience Planning
532	\$ 799,600	HSIP Street Improvements
606	\$ 5,079,090	SCDRP Tank & Pipelines
607	\$ 2,000,000	MBDRP Intertie
533	\$ 170,000	Per Capita max

Rate Adjustments/Optimization

2% Transient Occupancy Tax Increase (from 10% to 12%)
 Water Rates; (2.5% of \$315k: \$7,875, or 5% = \$15,750)
 Cemetery Plots; Rate Analysis/Adjustment (25% estimated increase)...
 ...to help fund and secure future northern expansion.
 Issue unallocated STR Licenses.
 OWTS Program Fee Implementation; Initial Fee Increase?
 Planning Admin Fee; 10%+ for in-house Staff time cost recovery
 Building Permit Fee Schedule Update
 Bench Policy Implementation; (30) benches at \$1k each

Big Picture / Future Planning

Cemetery expansion to adjacent lot - Real Estate Purchase

FY2024 Staff Organization Chart:

City Manager (.75 FTE)

- City Clerk (1.0 FTE)
- Assistant Clerk (1.0 FTE)
- Project Manager/Admin Analyst (1.0 FTE) **Admin: 3.75 FTE**

- Grant Administration Director (1.0 FTE)* **Grants: 2.0 FTE**
 - o Grant Administrator I (1.0 FTE)*

**Grant Director position transitioning to part-time in January 2024*

- Public Works Director (.75 FTE)
- Public Works Maintenance II (.50 FTE) *Distribution Tech In-Training*
- Public Works Maintenance III (.25 FTE)
- Public Works Maintenance IV (.50 FTE)

Public Works: 2.0 FTE

- Chief Water Plant Operator (contracted position)
 - o T2 Water Operations Support (.25 FTE) *T-2 Operator In-Training*
 - o T2 Water Operations Support (.50 FTE) *T-2 Operator In-Training*
 - o T2 Water Operations Support (.50 FTE) *T-3 Operator In-Training*
 - o T3 Water Operations Support (.25 FTE)

Water: 1.5 FTE

REVENUE SOURCES

