



Posted: Friday, February 09, 2024

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

The Trinidad City Council will hold a regular meeting on  
**TUESDAY, FEBRUARY 13, 2024, at 6:00 PM**  
at the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA.

### NO CLOSED SESSION

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](mailto: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: 858 8393 9981 Passcode: 621393

**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 – No closed session**
- IV. **RECONVENE TO OPEN SESSION**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES – 01-09-2024 cc, 01-23-2024 ccpcstr**
- 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 – January 2024
- 2. Financial Statements – December 2023
- 3. Law Enforcement Report – January 2024.

4. Second 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.
5. Second Reading of Ordinance 2024-02; Correcting and reaffirming codification of the City of Trinidad Zoning Ordinance
6. Authorization to Award Construction Contract for HSIP Cycle 10 Project HSIPSL-5036(016) to RAO Construction Co, Inc.

#### **DISCUSSION/ACTION AGENDA ITEMS**

1. Discussion/Decision regarding Resolution Honoring Volunteer Fire Chief Tom Marquette for 30 years of service, and Introducing new TVFD Fire Chief Shawn Worth.
2. Discussion/Decision regarding Appointment Confirmation of Elizabeth Hinojosa from the Trinidad Coastal Land Trust to fill the Vacant Seat on the Trinidad Trails Committee.
3. Discussion/Decision regarding Letter of Support for Trinidad Rancheria RAISE Grant for the 101 Trinidad Area Access Improvement Project.
4. Stormwater Project Recap
5. Continued Discussion/Decision regarding the Preliminary Draft Accessory Dwelling Unit Ordinance.
6. Consider Update of City Dog Ordinance.
7. Telephone Carrier of Last Resort Obligation (AT&T Landlines)
8. Introduction/Presentation of the 2024 General Election Year Calendar.

#### **X. FUTURE AGENDA ITEMS**

#### **XI. ADJOURNMENT**

**APPROVAL OF MINUTES FOR:**

**JANUARY 09, 2024 CC  
JANUARY 23, 2024 CCPCSTR**

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**Supporting Documentation follows with:**

**0 PAGES**

***MINUTES WILL BE PRESENTED FOR REVIEW AT THE MARCH 12  
MEETING.***



## **CONSENT AGENDA ITEM 1**

### **SUPPORTING DOCUMENTATION ATTACHED**

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1. Staff Activity Report – January 2024



**Upcoming Holiday:**

City Hall offices will be closed for the following day:

- February 19<sup>th</sup> for President's Day

**Water Plant Operations:**

The Water Plant is experiencing high turbidity again from the frequent rains. Staff continues to backwash the filters more often to keep the drinking water free of debris from Luffenholtz Creek. The Mercer-Fraser Company was the low bidder for the Water Tank and Pipeline Project which will take place this year and further improve the city's water system.

**Trinidad Coastal Resilience Plan:**

The next public meeting for the Trinidad Coastal Resilience Plan is scheduled for March 7<sup>th</sup> from 6:00-8:00 pm at the Town Hall. The public is encouraged to attend and weigh in on the planning process to address strategies for and vulnerabilities of the Coast.

**CPUC and AT&T:**

An agenda item has been added for this Council meeting to address the request by AT&T to the California Public Utilities Commission (CPUC). They are requesting to be relieved of the obligation to provide telephone service (landlines) to the areas that they serve throughout California which will impact Trinidad. Landlines are essential to those that do not have cell phones, in the case of emergencies, and for the operation of our water plant and alarm systems. The CPUC will hold a virtual public forum on March 19<sup>th</sup> at 2pm and 6pm. The public can phone-in comments during the forum. More information is available on the CPUC website and in this City Council February packet.

**TOT and STR's:**

The Tourist Occupancy Tax (TOT) revenue for the 2<sup>nd</sup> fiscal quarter (October-December 2023) is \$38,190.96 compared to the \$28,042.29 received during the same quarter in 2022. 28 of the 29 Short-Term Rentals (STR's) have been inspected and licenses issued. The 24-hour emergency contact list for STR's has been mailed to all city residents.

# STAFF REPORT SUPPLEMENTAL

Date: Tuesday, February 13, 2024

**Background Info:** 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 2020	199,348
July 2020	275,612	January 2021	161,379
July 2021	251,168	January 2022	189,201
July 2022	198,081	January 2023	154,543
July 2023	223,806 (16.37% Water Loss)	<b>January 2024</b>	<b>148,407 (23.67% Water Loss)</b>
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 January hit a 5-year low. Relatively high water loss is being investigated.** 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.

# VOLUNTEERS NEEDED



Join **California State Parks** and the **City of Trinidad** for a volunteer workday at Trinidad State Beach.

Tools and gloves will be provided!

Coffee will be provided courtesy of the Beachcomber Cafe.

**SAT**  
**17**  
**FEB**

**9AM-12PM**

**Meet at**  
**Trinidad State Beach Parking Lot**  
**at end of State Park Road**

Meeting Location  
Map



RSVP and send your questions to  
[northcoastredwoodsnparks.ca.gov](mailto:northcoastredwoodsnparks.ca.gov).







## ***PUBLIC SCOPING MEETING*** ***US 101 / TRINIDAD AREA ACCESS IMPROVEMENTS PROJECT***

**Tuesday February 20, 2024**  
**5:30 to 7:30 p.m.**

**The Heights Casino – Bingo Hall**  
**27 Scenic Drive, Trinidad**

### **What is the Project?**

The Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria) proposes a range of improvements to US 101 and local roads to provide safe and sustainable access to Tribal lands and the surrounding communities along Scenic Drive.; The proposed project improvements include reconstruction of Scenic Drive to accommodate standard lane and shoulder widths and a pedestrian/bicycle path, improved connectivity to US 101 through reconstruction of the existing Trinidad-Main Street interchange or construction of a new interchange adjacent to the Rancheria, and construction of a pedestrian and bicycle path between Tribal lands on the east and west side of US 101. Currently the project is in the environmental review and preliminary engineering process. Three preliminary alternatives, including two Build Alternatives and a No Build Alternative, are under consideration.

### **What is Public Scoping?**

The Trinidad Rancheria, in collaboration with Caltrans, is engaging in a public scoping process to gather comments from the community, resource agencies, and stakeholders on the depth and breadth of issues that should be addressed in the environmental document. While prior public outreach efforts for the project have been informal and provided a valuable setting to engage with the Trinidad community, the public scoping process is a more formal process required under the California Environmental Quality Act (CEQA) Guidelines when an Environmental Impact Report (EIR) will be prepared for a project.

### **What Can I Expect at the Meeting?**

The meeting will consist of a short presentation followed by a comment period. The presentation will provide an overview of the purpose and need for the project, preliminary alternatives, environmental process, and schedule. Following the presentation there will be an opportunity to submit public comments pertaining to the proposed project. Comments provided at the meeting will become part of the public record. There will also be the opportunity to submit written comments. **Please note that due to the structure of the meeting there will be no question and answer period.**

The meeting will be held in-person meeting and not hybrid. The Trinidad Rancheria has hired a professional videographer and will make the recording available for viewing following the meeting.



## **CONSENT AGENDA ITEM 2**

### **SUPPORTING DOCUMENTATION ATTACHED**

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2. Financial Statements – December 2023

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Revenue  
From 12/1/2023 Through 12/31/2023

	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	20,694.92	122,310.28	350,000.00	(65.05)%
43000	10,363.47	119,057.15	150,000.00	(20.63)%
46000	0.00	0.00	10,000.00	100.00)%
47310	0.00	0.00	300.00	100.00)%
53010	3.00	3.00	50.00	(94.00)%
53020	452.77	18,031.59	15,300.00	17.85%
53090	83.02	2,611.01	9,000.00	(70.99)%
54020	750.00	11,092.80	20,000.00	(44.54)%
54050	1,941.67	4,866.85	15,000.00	(67.55)%
54100	0.00	190.00	300.00	(36.67)%
54150	3,230.00	3,755.00	8,000.00	(53.06)%
54170	6,000.00	6,300.00	9,600.00	(34.38)%
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	0.00	2,577.48	7,000.00	(63.18)%
56700	273.00	2,493.00	6,000.00	(58.45)%
Total Revenue	43,791.85	293,288.16	761,600.00	(61.49)%

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
201 - GFAdmin  
From 12/1/2023 Through 12/31/2023

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
60900	HONORARIUMS	250.00	1,500.00	3,000.00	50.00%
61000	EMPLOYEE GROSS WAGE	12,161.45	76,180.69	148,820.00	48.81%
61470	FRINGE BENEFITS	853.86	5,550.10	2,160.00	(156.95)%
65100	DEFERRED RETIREMENT	1,151.18	7,125.64	17,858.00	60.10%
65200	MEDICAL INSURANCE AND EXPENSE	1,438.41	12,663.76	24,504.00	48.32%
65250	Health Savings Program	9.00	55.00	1,015.00	94.58%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	4,947.00	100.00%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	137.65	1,006.04	750.00	(34.14)%
65600	PAYROLL TAX	1,077.75	7,137.60	12,751.00	44.02%
65800	Grant Payroll Allocation	(489.10)	(11,942.77)	(26,000.00)	54.07%
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	6,124.38	21,968.76	40,000.00	45.08%
71130	ATTORNEY-LITIGATION	0.00	12,050.50	10,000.00	(20.50)%
71310	CITY PLANNER-ADMIN. TASKS	10,470.28	42,683.52	80,000.00	46.65%
71410	BLDG INSPECTOR-ADMIN TASKS	3,185.00	14,181.23	25,000.00	43.28%
71510	ACCOUNTANT-ADMIN TASKS	1,752.47	8,229.11	17,000.00	51.59%
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	288.00	5,785.25	6,000.00	3.58%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	500.00	2,000.00	75.00%
75170	RENT	750.00	4,500.00	9,000.00	50.00%
75180	UTILITIES	837.95	6,472.37	15,000.00	56.85%
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	650.27	4,682.02	5,000.00	6.36%
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	0.00	2,998.11	500.00	(499.62)%
75990	MISCELLANEOUS EXPENSE	325.50	430.70	500.00	13.86%
76110	TELEPHONE	610.02	3,513.88	6,000.00	41.44%
76130	CABLE & INTERNET SERVICE	265.68	1,156.10	3,000.00	61.46%
76150	TRAVEL	0.00	1,530.00	3,000.00	49.00%
78120	STREET LIGHTING	0.00	26.30	0.00	0.00%
78160	BUILDING REPAIRS & MAINTENANCE	1,258.09	1,258.09	0.00	0.00%
78170	SECURITY SYSTEM	0.00	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	43,107.84	265,872.01	482,320.00	44.88%

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
301 - Police  
From 12/1/2023 Through 12/31/2023

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	849.44	5,258.90	10,425.00	49.55%
61470	FRINGE BENEFITS	69.24	450.06	480.00	6.24%
65100	DEFERRED RETIREMENT	109.12	678.08	1,251.00	45.80%
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	77.92	484.25	893.00	45.77%
75170	RENT	750.00	4,500.00	9,000.00	50.00%
75180	UTILITIES	398.67	1,514.78	2,750.00	44.92%
75300	CONTRACTED SERVICES	151.00	151.00	117,000.00	99.87%
75350	ANIMAL CONTROL	0.00	755.00	6,800.00	88.90%
76130	CABLE & INTERNET SERVICE	90.36	542.17	0.00	0.00%
78170	SECURITY SYSTEM	82.50	235.50	600.00	60.75%
	Total Expense	<u>2,578.25</u>	<u>14,569.74</u>	<u>149,865.00</u>	<u>90.28%</u>



**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
401 - Fire  
From 12/1/2023 Through 12/31/2023

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	900.00	2,400.00	62.50%
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	162.33	744.42	1,300.00	42.74%
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	0.00	1,234.36	3,000.00	58.85%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	309.86	5,000.00	93.80%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
	Total Expense	<u>312.33</u>	<u>3,619.21</u>	<u>54,350.00</u>	<u>93.34%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
501 - PW (Public Works)  
From 12/1/2023 Through 12/31/2023

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
61000	EMPLOYEE GROSS WAGE	13,934.28	79,102.93	134,860.00	41.34%
61250	OVERTIME	0.00	0.00	500.00	100.00%
61470	FRINGE BENEFITS	46.16	300.00	240.00	(25.00)%
65100	DEFERRED RETIREMENT	715.86	4,593.63	12,289.00	62.62%
65200	MEDICAL INSURANCE AND EXPENSE	2,259.66	13,060.44	26,866.00	51.39%
65250	Health Savings Program	19.25	129.25	1,330.00	90.28%
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	1,095.58	6,272.79	11,257.00	44.28%
65800	Grant Payroll Allocation	(10,910.63)	(47,437.70)	(95,000.00)	50.07%
71210	CITY ENGINEER-ADMIN. TASKS	3,638.75	16,657.35	15,000.00	(11.05)%
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	0.00	26,706.94	5,000.00	(434.14)%
75370	UNIFORMS/PERSONAL EQUIP.	123.90	1,810.03	1,000.00	(81.00)%
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	438.41	2,587.99	5,000.00	48.24%
78130	TRAIL MAINTENANCE	26.04	7,573.74	10,000.00	24.26%
78140	VEHICLE FUEL & OIL	561.84	3,920.88	4,000.00	1.98%
78150	VEHICLE REPAIRS	131.73	1,151.95	2,500.00	53.92%
78160	BUILDING REPAIRS & MAINTENANCE	437.54	1,121.68	14,000.00	91.99%
78190	MATERIALS, SUPPLIES & EQUIPMEN	408.51	3,900.22	5,000.00	22.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	439.12	2,500.00	82.44%
	Total Expense	12,926.88	128,170.06	169,525.00	24.39%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
204 - IWM  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
56150	FRANCHISE FEES	842.48	7,458.35	11,000.00	(32.20)%
	Total Revenue	842.48	7,458.35	11,000.00	(32.20)%
	Expense				
75130	GARBAGE	0.00	46.00	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,800.00	100.00%
	Total Expense	0.00	46.00	1,800.00	97.44%
	Net Income	842.48	7,412.35	9,200.00	(19.43)%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
213 - SB2 Planning Grant  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	8,331.05	8,331.05	0.00	0.00%
	Total Revenue	8,331.05	8,331.05	0.00	0.00%
	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	8,331.05	(9.01)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
214 - HCD LEAP Grant  
From 12/1/2023 Through 12/31/2023

		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 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	1,823.31	1,823.31	0.00	0.00%
	Total Revenue	1,823.31	1,823.31	0.00	0.00%
	Expense				
65800	Grant Payroll Allocation	255.07	2,515.48	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	2,356.25	0.00	0.00%
	Total Expense	255.07	4,871.73	0.00	0.00%
	Net Income	1,568.24	(3,048.42)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
216 - CalRecycle SB 1383 Assistance Grant  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	234.03	5,607.17	0.00	0.00%
	Total Expense	234.03	5,607.17	0.00	0.00%
	Net Income	(234.03)	(5,607.17)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
217 - REAP Housing Grant HCAOG  
From 12/1/2023 Through 12/31/2023

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



**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
303 - COPS Program  
From 12/1/2023 Through 12/31/2023

		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	56,542.00	113,084.00	267,000.00	57.65%
	Total Expense	56,542.00	113,084.00	267,000.00	57.65%
	Net Income	(56,542.00)	(113,084.00)	(117,000.00)	(3.35)%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
503 - State Gas Tax  
From 12/1/2023 Through 12/31/2023

		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)	275.86	1,343.90	0.00	0.00%
47050	GAS TAX REVENUE (2105)	155.47	791.17	0.00	0.00%
47060	GAS TAX REVENUE (2106)	504.29	2,538.32	0.00	0.00%
47070	GAS TAX REVENUE (2107)	222.61	1,098.80	0.00	0.00%
47075	GAS TAX REVENUE (2107.5)	0.00	1,000.00	0.00	0.00%
	Total Revenue	1,158.23	6,772.19	15,000.00	(54.85)%
	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	1,158.23	1,243.19	15,000.00	(91.71)%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
504 - TDA - Transporation Development Agency  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	12,105.00	17,323.00	14,500.00	19.47%
	Total Revenue	12,105.00	17,323.00	14,500.00	19.47%
	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	12,105.00	17,323.00	500.00	3,364.60%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
518 - OWTS - Onsite Wastewater Treatment System  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
54020	PLANNER- APPLICATION PROCESSIN	650.00	2,540.00	0.00	0.00%
54050	BLDG.INSP-APPLICATION PROCESSI	0.00	(200.00)	0.00	0.00%
	Total Revenue	650.00	2,340.00	0.00	0.00%
	Expense				
71310	CITY PLANNER-ADMIN. TASKS	1,310.27	9,385.46	0.00	0.00%
	Total Expense	1,310.27	9,385.46	0.00	0.00%
	Net Income	(660.27)	(7,045.46)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
528 - Prop 84 Storm Water Grant Project  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	7,382.80	29,233.76	0.00	0.00%
75300	CONTRACTED SERVICES	150.00	109,907.08	0.00	0.00%
	Total Expense	7,532.80	139,140.84	0.00	0.00%
	Net Income	(7,532.80)	(139,140.84)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
529 - RMRA - Road Maintenance & Rehabilitation  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
47005	RMRA (SB1)	553.61	2,549.59	0.00	0.00%
	Total Revenue	553.61	2,549.59	0.00	0.00%
	Net Income	553.61	2,549.59	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
531 - OPC Coastal Resilience  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	865.58	11,210.96	0.00	0.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	0.00	500.00	0.00	0.00%
75300	CONTRACTED SERVICES	2,078.40	58,440.34	0.00	0.00%
	Total Expense	2,943.98	70,151.30	0.00	0.00%
	Net Income	(2,943.98)	(70,151.30)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
532 - HSIP Street Improvements DOT  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	1,571.08	3,767.61	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	4,073.06	0.00	0.00%
	Total Expense	1,571.08	7,840.67	0.00	0.00%
	Net Income	(1,571.08)	(7,840.67)	0.00	0.00%



**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
533 - OGALS Per Capita  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	883.11	2,275.04	0.00	0.00%
	Total Expense	883.11	2,275.04	0.00	0.00%
	Net Income	(883.11)	(2,275.04)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
534 - STIP Trinity St Road Rehab  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	208.08	950.28	0.00	0.00%
75300	CONTRACTED SERVICES	3,716.95	22,262.36	0.00	0.00%
	Total Expense	3,925.03	23,212.64	0.00	0.00%
	Net Income	(3,925.03)	(23,212.64)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
601 - Water  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
<b>Revenue</b>					
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	24,476.57	154,614.12	355,000.00	(56.45)%
57300	NEW WATER HOOK UPS	3,000.00	3,000.00	0.00	0.00%
57500	WATER A/R PENALTIES	(111.40)	481.69	10,000.00	(95.18)%
	<b>Total Revenue</b>	<b>27,365.17</b>	<b>158,095.81</b>	<b>378,000.00</b>	<b>(58.18)%</b>
<b>Expense</b>					
61000	EMPLOYEE GROSS WAGE	15,180.25	101,750.24	230,894.00	55.93%
61470	FRINGE BENEFITS	369.22	2,399.95	1,920.00	(25.00)%
65100	DEFERRED RETIREMENT	1,057.29	6,467.48	14,915.00	56.64%
65200	MEDICAL INSURANCE AND EXPENSE	1,873.39	11,662.26	24,507.00	52.41%
65250	Health Savings Program	13.00	82.00	1,015.00	91.92%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	7,675.00	100.00%
65600	PAYROLL TAX	1,285.70	8,531.65	18,804.00	54.63%
65800	Grant Payroll Allocation	(4,069.81)	(23,368.50)	(38,000.00)	38.50%
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	1,003.50	1,003.50	5,000.00	79.93%
71310	CITY PLANNER-ADMIN. TASKS	201.58	3,047.06	5,000.00	39.06%
71510	ACCOUNTANT-ADMIN TASKS	943.63	4,431.04	9,000.00	50.77%
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	1,786.61	11,814.66	20,000.00	40.93%
75190	DUES & MEMBERSHIP	0.00	601.00	950.00	36.74%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	245.24	250.00	1.90%
75220	OFFICE SUPPLIES & EXPENSE	371.49	1,660.65	5,000.00	66.79%
75240	BANK CHARGES	0.00	10.00	100.00	90.00%
75280	TRAINING / EDUCATION	212.25	771.00	500.00	(54.20)%
75300	CONTRACTED SERVICES	31,638.69	100,284.50	261,000.00	61.58%
76110	TELEPHONE	693.43	2,510.05	1,800.00	(39.45)%
76130	CABLE & INTERNET SERVICE	61.95	371.70	750.00	50.44%
76160	LICENSES & FEES	3,847.96	5,309.69	5,000.00	(6.19)%
78140	VEHICLE FUEL & OIL	165.03	3,895.23	5,800.00	32.84%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	974.89	2,500.00	61.00%
78170	SECURITY SYSTEM	0.00	217.00	500.00	56.60%
78190	MATERIALS, SUPPLIES & EQUIPMEN	318.95	2,348.03	3,000.00	21.73%
78200	EQUIPMENT REPAIRS & MAINTENANC	40.90	5,720.85	7,500.00	23.72%
79100	WATER LAB FEES	230.00	3,115.00	6,500.00	52.08%
79120	WATER PLANT CHEMICALS	2,188.04	5,789.21	9,000.00	35.68%
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%
	<b>Total Expense</b>	<b>59,413.05</b>	<b>288,780.94</b>	<b>669,712.00</b>	<b>56.88%</b>
	<b>Net Income</b>	<b>(32,047.88)</b>	<b>(130,685.13)</b>	<b>(291,712.00)</b>	<b>(55.20)%</b>

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
601 - Water  
From 12/1/2023 Through 12/31/2023

<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
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**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
606 - Drought Relief Tank & Pipelines  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	2,967.26	12,669.53	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	76,917.75	0.00	0.00%
	Total Expense	2,967.26	89,587.28	0.00	0.00%
	Net Income	(2,967.26)	(89,587.28)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
607 - Interie & Tank Projects DWR Grant  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Expense				
65800	Grant Payroll Allocation	1,102.55	10,698.99	0.00	0.00%
75300	CONTRACTED SERVICES	1,095.00	5,109.50	0.00	0.00%
	Total Expense	2,197.55	15,808.49	0.00	0.00%
	Net Income	(2,197.55)	(15,808.49)	0.00	0.00%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
701 - Cemetery  
From 12/1/2023 Through 12/31/2023

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
58100	CEMETERY PLOT SALES	4,972.50	19,712.50	15,000.00	31.42%
	Total Revenue	4,972.50	19,712.50	15,000.00	31.42%
	Expense				
61000	EMPLOYEE GROSS WAGE	896.04	5,730.82	11,627.00	50.71%
61470	FRINGE BENEFITS	46.16	300.04	0.00	0.00%
65100	DEFERRED RETIREMENT	65.40	408.74	1,395.00	70.70%
65200	MEDICAL INSURANCE AND EXPENSE	199.51	1,087.31	2,748.00	60.43%
65250	Health Savings Program	1.25	6.25	140.00	95.54%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	386.00	100.00%
65600	PAYROLL TAX	76.79	490.81	996.00	50.72%
75180	UTILITIES	45.23	271.38	493.00	44.95%
75300	CONTRACTED SERVICES	0.00	1,215.00	3,000.00	59.50%
78170	SECURITY SYSTEM	0.00	268.50	500.00	46.30%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	255.32	500.00	48.94%
	Total Expense	1,330.38	10,034.17	21,785.00	53.94%
	Net Income	3,642.12	9,678.33	(6,785.00)	(242.64)%



## **CONSENT AGENDA ITEM 3**

### **SUPPORTING DOCUMENTATION ATTACHED**

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3. Law Enforcement Report – January 2024.





## **CONSENT AGENDA ITEM 4**

### **SUPPORTING DOCUMENTATION ATTACHED**

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4. Second 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

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### **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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## Chapter 17.04

### GENERAL PROVISIONS

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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~~this 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 ~~ordinance~~title imposes a greater restriction upon the use of buildings or premises than are imposed or required by such agreements, the provisions of this ~~ordinance~~title shall control.

Article 2. Definitions

Chapter 17.08

DEFINITIONS

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- 17.08.010 Meaning of certain words.
- 17.08.020 Advertising area.
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- 17.08.040 Agriculture.
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- 17.08.130 Coastal Development Permit.
- 17.08.140 Coastal Zone.
- 17.08.150 Condominium.
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- 17.08.182 Design Assistance Committee
- 17.08.200 Development.
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~~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 aArea.**

~~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 pPerson.**

~~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, aAccessory.**

~~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~~uilding I~~nspector of the C~~eity 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 Celerk” means the Ceity Celerk of the Ceity of Trinidad.

**2.0417.08.112 City Council**

“Ceity Ceouncil” means the Ceity Ceouncil of the City of Trinidad.

**17.08.114 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 cCare cCenter.**

~~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 ~~sState 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 Commission” means the P~~planning ~~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~~Personal and ~~p~~Professional.**

~~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~~planning ~~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.

~~4.~~ 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.~~ NewIn 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 zoneSPECIAL 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. 6.06TMC 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 CTMC 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~~ity 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~~esign ~~A~~ssistance ~~C~~ommittee may require a lesser height as provided in ~~Section 6.19, Chapter 17.60 TMC.~~

#### 17.20.070 ~~4~~ **Requirements in ~~t~~sunami ~~h~~azard 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 ~~P~~ermit:

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 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.

#### 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 Ccity. 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~~commercial zone is intended to be applied to areas designated ~~C~~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 ~~C~~commercial zones.

#### 17.44.020 ~~A~~–Principal permitted uses.

Principal permitted uses in the C zone are:

~~1~~A. Professional and business offices;

~~2~~B. Social halls, fraternal and social organizations and clubs;

~~3~~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.

#### 17.44.030 ~~B~~–Uses permitted with a ~~U~~se ~~P~~ermit.

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

~~1~~A. Motels; single-family dwellings associated with a commercial use;

~~2~~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.

**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 ~~P~~ 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 Bbuilding Ssite 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~~urban ~~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~~urban ~~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 Use Ppermit. The Use 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 ~~Game~~Wildlife.

**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 ~~D~~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 ~~D~~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~~;~~; provided~~,~~, 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 ~~D~~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 <del>t</del> <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 <del>r</del> Requirements
17.56.190-(6.26).F	Maximum <del>n</del> Number of Short Term Rentals
17.56.190-(6.26).G	Location
17.56.190-(6.26).H	One STR License <del>p</del> Per <del>o</del> Owner
17.56.190-(6.26).I	Effect on <del>e</del> Existing STRs
17.56.190-(6.26).J	License <del>t</del> 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 <del>s</del> Standards
17.56.190-(6.26).N	Tourist <del>o</del> Occupancy <del>t</del> Tax
17.56.190-(6.26).O	Audit
17.56.190-(6.26).P	Dispute <del>r</del> Resolution
17.56.190-(6.26).Q	Administrative <del>s</del> Standards and <del>r</del> Rules
17.56.190-(6.26).R	Violations
17.56.190-(6.26).S	Ordinance <del>r</del> 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~~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 ~~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 ~~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-~~(6.26)~~.S                      Ordinance ~~r~~Review**

The~~is~~ STR Ordinance 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 Ordinance 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 ~~hereina~~s 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 ~~ordinancetitle~~, 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 ~~ordinancetitle~~ 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~~ublic and ~~R~~religious, ~~P~~lanned ~~D~~evelopment, ~~V~~isitor ~~S~~services, ~~S~~special ~~E~~nvironment and ~~O~~open ~~S~~space zones, and undergrounding may be required by the ~~D~~esign ~~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 Ccity to amend this ~~ordinance~~title if the purpose of the proposed amendment is to meet the public needs of an area greater than the Ccity 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 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.

**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~~plan 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 ~~ordinance~~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 ~~Ce~~conditional U~~se~~se ~~P~~ermit 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~~ariance, ~~Ce~~conditional U~~se~~se ~~P~~ermit, or ~~D~~esign R~~eview~~, the Planning Commission, ~~Hearings Officer~~, or ~~D~~esign A~~ssistance~~ ~~Ce~~ommittee 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~~ariance or ~~Ce~~conditional U~~se~~se ~~P~~ermit and ~~D~~esign A~~ssistance~~ ~~Ce~~ommittee approval of a ~~D~~esign R~~eview~~ 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~~esign A~~ssistance~~ ~~Ce~~ommittee 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 ~~ordinance~~title, and except as otherwise required under this title, and except as otherwise required by ~~the Trinidad Subdivision Ordinance Section 4.14, Grading Ordinance Section 2.3~~TMC Title 16, TMC 15.04.070, 15.16.100 or Building Regulation Ordinance Section 302(e)~~16.16.140~~ or as specifically excluded in ~~subpart~~subsection (B) ~~below 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 ~~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 ~~2~~two 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 ~~6~~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;

- ~~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 Revue 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 Revue, 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 Revue 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:

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**Gabriel Adams**  
Trinidad City Clerk

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**Cheryl Kelly**  
Mayor

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

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



## **CONSENT AGENDA ITEM 5**

### **SUPPORTING DOCUMENTATION ATTACHED**

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5. Second Reading of Ordinance 2024-02; Correcting and reaffirming codification of the City of Trinidad Zoning Ordinance

## DISCUSSION AGENDA ITEM

### January 9, 2024

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#### **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

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**17.08.010** Meaning of certain words~~Construction.~~

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 Celerk.**

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

**17.08.112 City Council.**

“Ccity Council” or Ccouncil 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 ~~City~~ City Manager.**

“City Manager” means the City Manager of the Ccity 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~~council 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 Ceommission 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 Ceity Ceouncil, 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 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 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 Permit.**

Uses permitted with a Use Permit 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 Permit 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 Permit 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 Permit 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 Permit. Use Permits may specify a development completion period of not more than three years at which time the Use Permit 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~~city, prior to the issuance of the building permit, of an amount per parking space, prescribed by the ~~C~~ity ~~C~~ouncil, for each parking space required by this section but not provided. The payment shall be deposited with the ~~C~~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 ~~C~~ouncil 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:**

17.56.190.A	Short <del>t</del> itle
17.56.190.B	Findings
17.56.190.C	Purpose
17.56.190.D	Definitions
17.56.190.E	Application <del>r</del> Requirements
17.56.190.F	Maximum <del>n</del> Number of Short Term Rentals
17.56.190.G	Location
17.56.190.H	One STR License <del>p</del> Per <del>o</del> wner
17.56.190.I	Effect on <del>e</del> Existing STRs
17.56.190.J	License <del>t</del> ransferability
17.56.190.K	Homeshare STR Licenses
17.56.190.L	Resident STR Licenses
17.56.190.M	STR <del>s</del> tandards
17.56.190.N	Tourist <del>o</del> ccupancy <del>t</del> ax
17.56.190.O	Audit
17.56.190.P	Dispute <del>r</del> esolution
17.56.190.Q	Administrative <del>s</del> tandards and <del>r</del> ules
17.56.190.R	Violations
17.56.190.S	Ordinance <del>r</del> evuew
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~~city’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 ~~p~~Primary ~~r~~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 ~~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.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.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~~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.P      Dispute ~~r~~Resolution.**

By accepting a STR License, STR owners agree to ~~a~~ct 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 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 ~~P~~ermit is required by these regulations shall be considered a nonconforming use until a Use ~~P~~ermit 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~~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 ~~P~~lanning ~~C~~ommission and the ~~C~~eity ~~C~~eouncil. The ~~C~~eity ~~C~~eouncil 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 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~~eounty ~~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:

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**Gabriel Adams**  
Trinidad City Clerk

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**Cheryl Kelly**  
Mayor

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

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



## **CONSENT AGENDA ITEM 6**

### **SUPPORTING DOCUMENTATION ATTACHED**

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6. Authorization to Award Construction Contract for HSIP Cycle 10 Project HSIPSL-5036(016) to RAO Construction Co, Inc.

## discussion AGENDA ITEM

**Date: February 13, 2024**

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**Item: AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR HSIP CYCLE 10 PROJECT HSIPSL-5036(016) TO RAO CONSTRUCTION CO., INC.**

### Summary

The Trinidad HSIP Cycle 10 Project bid package was released and publicly advertised on January 11, 2024. The bid period ended on February 5, 2024, at which time the City received three (3) responsive bids. The bid totals are shown in the table below.

Bidder	Bid Amount
GR Sundberg, Inc.	\$ 465,281.95
RAO Construction Co., Inc.	\$ 440,688.75
Hooven & Co., Inc.	\$ 528,255.00

As stipulated in the Information for Bidders, the Award would be made to the lowest, responsive, responsible bidder. The lowest bid will be the lowest total of the bid prices on the base contract.

The apparent low bid was submitted by RAO Construction Co., Inc., with a total bid of \$440,688.75. The City's engineer, GHD, has confirmed that the bid received from RAO Construction Co., Inc. was fully responsive and that they and their sub consultants have active licenses and registrations. GHD has recommended awarding the project to RAO Construction Co., Inc. If the contract is awarded, construction is anticipated to begin in May, 2024.

### Financial

The City has a total construction budget of \$615,800 which is from the Highway Safety Improvement Program (HSIP). The tasks covered under the total construction budget amount include construction capital (\$535,400), construction engineering (\$74,500), and City administration time (\$5,900).

### Staff Recommendation:

Authorize the City Manager to award the HSIP Cycle 10 Project HSIPSL-5036(016) Project to RAO Construction Co. Inc. and establish a maximum contract amount of \$440,688.75.

### Attachments:

1. Detailed Bid Summary

Detailed Bid Summary



Agency: City of Trinidad  
Project Name: HSIP Cycle 10 Project  
Project No.: HSIPSL-5036(016)  
Bid Opening: February 5, 2024 @ 3pm  
Engineers Estimate: \$482,000.00

					Apparent Low Bidder					
Item No.	Description	Final Pay Item	Units	Total Quantity	GR Sundberg, Inc.		RAO Construction Co., Inc.		Hooven & Co., Inc.	
					Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
BASE BID SCHEDULE										
1	Mobilization		LS	1	\$ 32,400.00	\$ 32,400.00	\$ 40,000.00	\$ 40,000.00	\$ 11,200.00	\$ 11,200.00
2	Temporary Traffic Control & Construction Area Signs		LS	1	\$ 47,200.00	\$ 47,200.00	\$ 40,000.00	\$ 40,000.00	\$ 48,000.00	\$ 48,000.00
3	Construction Staking		LS	1	\$ 5,600.00	\$ 5,600.00	\$ 7,500.00	\$ 7,500.00	\$ 12,000.00	\$ 12,000.00
4	Water Pollution Control & Final Stabilization		LS	1	\$ 3,300.00	\$ 3,300.00	\$ 5,000.00	\$ 5,000.00	\$ 7,200.00	\$ 7,200.00
5	Clearing and Grubbing		LS	1	\$ 22,000.00	\$ 22,000.00	\$ 15,000.00	\$ 15,000.00	\$ 12,200.00	\$ 12,200.00
6	Miscellaneous Demolition & Removal		LS	1	\$ 75,000.00	\$ 75,000.00	\$ 30,000.00	\$ 30,000.00	\$ 49,900.00	\$ 49,900.00
7	Adjust Utility Cover to Grade (WM & WV)		EA	1	\$ 1,225.00	\$ 1,225.00	\$ 500.00	\$ 500.00	\$ 900.00	\$ 900.00
8	Adjust Manhole Cover to Grade		EA	1	\$ 1,225.00	\$ 1,225.00	\$ 1,000.00	\$ 1,000.00	\$ 1,100.00	\$ 1,100.00
9	Sidewalk Channel Drain		LF	25	\$ 115.00	\$ 2,875.00	\$ 230.00	\$ 5,750.00	\$ 209.00	\$ 5,225.00
10	12-Inch HDPE Storm Drain Pipe		LF	16	\$ 263.00	\$ 4,208.00	\$ 250.00	\$ 4,000.00	\$ 200.00	\$ 3,200.00
11	Storm Drain Catch Basin, Type G1		EA	1	\$ 6,100.00	\$ 6,100.00	\$ 5,500.00	\$ 5,500.00	\$ 6,000.00	\$ 6,000.00
12	Minor Concrete, Curb and Gutter, A2-6		LF	170	\$ 52.00	\$ 8,840.00	\$ 55.00	\$ 9,350.00	\$ 155.00	\$ 26,350.00
13	Minor Concrete, Retaining Curb		LF	97	\$ 52.00	\$ 5,044.00	\$ 25.00	\$ 2,425.00	\$ 130.00	\$ 12,610.00
14	Minor Concrete, Type B1 Curb		LF	11	\$ 79.00	\$ 869.00	\$ 50.00	\$ 550.00	\$ 490.00	\$ 5,390.00
15	Minor Concrete, Sidewalk		SF	213	\$ 24.00	\$ 5,112.00	\$ 15.00	\$ 3,195.00	\$ 39.00	\$ 8,307.00
16	Minor Concrete, Curb Ramps, Driveways, Driveway Conforms		SF	738	\$ 25.00	\$ 18,450.00	\$ 35.00	\$ 25,830.00	\$ 44.00	\$ 32,472.00
17	Detectable Warning Surface	F	SF	80	\$ 53.00	\$ 4,240.00	\$ 55.00	\$ 4,400.00	\$ 56.00	\$ 4,480.00
18	Hot Mix Asphalt, 0.2' Thick (Type A)	F	SF	534	\$ 20.00	\$ 10,680.00	\$ 15.00	\$ 8,010.00	\$ 12.50	\$ 6,675.00
19	Hot Mix Asphalt, 0.4' Thick (Type A)	F	SF	854	\$ 25.00	\$ 21,350.00	\$ 21.00	\$ 17,934.00	\$ 13.00	\$ 11,102.00
20	Hot Mix Asphalt Dike (Type A)		LF	24	\$ 44.00	\$ 1,056.00	\$ 100.00	\$ 2,400.00	\$ 170.00	\$ 4,080.00
21	Hot Mix Asphalt Dike (Type C)		LF	80	\$ 44.00	\$ 3,520.00	\$ 70.00	\$ 5,600.00	\$ 60.00	\$ 4,800.00
22	Shoulder Backing		CY	12	\$ 206.00	\$ 2,472.00	\$ 475.00	\$ 5,700.00	\$ 300.00	\$ 3,600.00
23	Midwest Guardrail System (8' Steel Post)		LF	1073	\$ 53.00	\$ 56,869.00	\$ 55.00	\$ 59,015.00	\$ 81.00	\$ 86,913.00
24	End Anchor Assembly (Type SFT-M)		EA	1	\$ 3,175.00	\$ 3,175.00	\$ 4,200.00	\$ 4,200.00	\$ 4,900.00	\$ 4,900.00
25	Alternative Flared End Section		EA	6	\$ 4,300.00	\$ 25,800.00	\$ 4,500.00	\$ 27,000.00	\$ 6,400.00	\$ 38,400.00
26	Enhanced Pedestrian Crossing System		EA	6	\$ 6,650.00	\$ 39,900.00	\$ 10,000.00	\$ 60,000.00	\$ 9,900.00	\$ 59,400.00
27	Roadside Sign(s), 1-Post		EA	8	\$ 2,650.00	\$ 21,200.00	\$ 825.00	\$ 6,600.00	\$ 1,100.00	\$ 8,800.00
28	Curb Paint		LF	205	\$ 9.00	\$ 1,845.00	\$ 10.00	\$ 2,050.00	\$ 14.00	\$ 2,870.00
29	6" Thermoplastic Traffic Stripe		LF	18577	\$ 1.35	\$ 25,078.95	\$ 1.75	\$ 32,509.75	\$ 2.00	\$ 37,154.00
30	Thermoplastic Pavement Markings		SF	401	\$ 18.00	\$ 7,218.00	\$ 20.00	\$ 8,020.00	\$ 27.00	\$ 10,827.00
31	Pavement Marker (Retroreflective)		EA	110	\$ 13.00	\$ 1,430.00	\$ 15.00	\$ 1,650.00	\$ 20.00	\$ 2,200.00
BID SCHEDULE TOTAL						\$ 465,281.95		\$ 440,688.75		\$ 528,255.00





## **DISCUSSION AGENDA ITEM 1**

### **SUPPORTING DOCUMENTATION ATTACHED**

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1. Discussion/Decision regarding Resolution Honoring Volunteer Fire Chief Tom Marquette for 30 years of service, and Introducing new TVFD Fire Chief Shawn Worth.



## **DISCUSSION AGENDA ITEM 2**

### **SUPPORTING DOCUMENTATION ATTACHED**

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2. Discussion/Decision regarding Appointment Confirmation of Elizabeth Hinojosa from the Trinidad Coastal Land Trust to fill the Vacant Seat on the Trinidad Trails Committee.

## DISCUSSION AGENDA ITEM

Tuesday, February 13, 2024

---

**Item:** Discussion/Decision to Accept Elizabeth Hinojosa as the Trindiad Coastal Land Trust Designation to fill the Visitor Services Representative Vacancy on Trinidad Trails Committee.

**Background:** Trinidad Coastal Land Trust would like to appoint Elizabeth Hinojosa as their representative on the Trails Committee.

As per the Trinidad Trails Advisory Committee Resolution, the City must formally recognize and appoint new members. Action taken by the Council will confirm the appointment.

The Trails Committee is now currently operating without 1 member; (1) General Public Representative.

The Committee Membership currently consists of:

(1) City Councilmember (Committee Chair)	<b>Jack West</b>
(1) Planning Commission liaison	<b>Tom Hopkins</b>
(2) General Public representatives	<b>VACANT / Tim Needham</b>
(1) Tribal representative of the Yurok Tribe	<b>Sherri Provolt</b>
(1) Tribal representative of the Trinidad Rancheria	<b>Trina Matthewson</b>
(1) Tribal representative of the Tsurai Ancestral Society	<b>Kelly Lindgren</b>
(1) Visitor Services/Business Community representative	<b>Elizabeth Hinojosa</b> (Trinidad Coastal Land Trust)

**Side note:** *The latest, revised version of the Resolution 2019-13 establishing the Trails Advisory Committee calls for members holding “staggered two-year terms” (See No.4, Terms of Office). Considering periodic difficulties of maintaining full attendance and full-membership, this condition may need further discussion in the near future. The term “staggered” may need clarification as it relates to each member.*

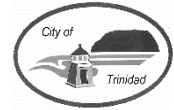
**Recommended Action:**

**Attachments:** - Letter from Councilmember Jack West requesting Hinojosa be considered.  
- Resolution 2019-13, Establishing the Trails Advisory Committee

I would like to add Elizabeth Hinojosa, the Coastal Stewardship Coordinator for the Trinidad Coastal Land Trust, to the Trinidad Trails Committee, at the February City Council meeting. She will be the business representative.

**Trinidad City Hall**  
P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
707-677-0223

**Steve Ladwig, Mayor**  
**Gabriel Adams, City Clerk**



## **RESOLUTION 2019-13**

*Revised 10-13-2020, and on 03-09-2021*

### **A RESOLUTION AUTHORIZING THE TRAILS ADVISORY COMMITTEE**

**WHEREAS**, the City of Trinidad's unique location on the coast with panoramic vistas and beautiful beaches makes its trail system a treasured asset for residents and visitors alike; and

**WHEREAS**, trails are important because they provide access to natural and culturally significant areas, for recreation, for scientific study, and for understanding our relationship with nature; and

**WHEREAS**, trails enhance public health and provide a vital medium for community cohesion, they are also serve to bolster the local economy by attracting people to the area, and some of the trails in the City also provide a means of use for alternative transportation; and

**WHEREAS**, the Council established the Trails Advisory Committee as a sub-committee of the City Council on March 22, 2019 to bring members with various viewpoints together to make recommendations to the City Council, City Staff, and Planning Commission on various topics identified below; and

**NOW, THEREFORE BE IT RESOLVED**, the Trinidad City Council hereby adopts a Trails Advisory Committee to hold public meetings in accordance with the Brown Act, and to operate within the framework as follows:

1. **PURPOSE:** The purpose of the Committee is 1) to advise on matters relating to policies affecting trails in the City of Trinidad, 2) to serve in an advisory capacity to the Council, Commissions, and City Staff, 3) make recommendations during the environmental review process on projects that may involve or affect trails in the City of Trinidad, 4) provide a forum for community engagement, outreach, and education regarding trails, and 5) make recommendations to City Manager and City Council on the maintenance and repair of trails in the City of Trinidad.
2. **OBJECTIVES:** Committee objectives include; 1) provide a public forum to solicit input from the community on issues or successes related to the maintenance and management of City trails, 2) assist City Staff in evaluating the need for maintenance on the trails throughout the calendar year, 3) make balanced and informed recommendations to the City Council on ways to improve the trails, and 4) report to the Council annually on the Committee meetings, activity, and recommendations.
3. **COMMITTEE MEMBERSHIP:** The Trails Committee will consist of one City Council representative, one Planning Commissioner, two City residents, one Trinidad Rancheria Representative, one Yurok Tribe Representative, **one Tsurai Ancestral Society Representative**, and one Visitor Services/Business Representative. The City Council representative will be appointed by the City Council, and will serve as the Committee Chairperson. The Planning Commission will be recommended by the Commission and appointed by the City Council. The Tribal Representatives will be appointed by the appropriate Tribal governments, and will also provide their alternates. The two ~~members of the public~~ **city residents, as well as the Visitor Services/Business Representative**, will be appointed by the City Council in open session based on letters of interest and public interviews.
4. **TERMS OF OFFICE:** All members will hold staggered two-year terms. Committee members serve at the pleasure of the City Council and may be removed from office by a majority vote of the Council.
5. **MEETING DATES:** The Trails Committee will meet at minimum quarterly. The meetings will be held on the 3rd Tuesday of January, April, July, and October, with special meetings as needed. The

Committee will report to the City Council on a regular basis and present recommendations to the City Council on a quarterly or annual basis as needed.

6. **STAFF ASSISTANCE:** City Staff will provide agenda preparation, notification, and outreach assistance to the Committee. The Trails Committee may choose a member of the Committee to record the meeting minutes, or request to have a City Staff member to provide the service.
7. **ETHICS CODE:** All members shall review, accept, and conduct themselves in a manner consistent with the values promoted in the City of Trinidad's Code of Ethics.

**PASSED, APPROVED AND ADOPTED** this 12th day of November, 2019 by the following vote:

AYES:	West, Miller, Ladwig, Grover, Davies
NOES:	None
ABSTAIN:	None
ABSENT:	None

ATTEST:

---

**Gabriel Adams**  
Trinidad City Clerk

---

**Steve Ladwig**  
Mayor



## **DISCUSSION AGENDA ITEM 3**

### **SUPPORTING DOCUMENTATION ATTACHED**

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3. Discussion/Decision regarding Letter of Support for Trinidad Rancheria RAISE Grant for the 101 Trinidad Area Access Improvement Project.

**Subject:** Request for letter of Support for US 101 Trinidad Area Access Improvement Project  
**From:** Leslie Sanders <lsanders@TrinidadRancheria.com>  
**Date:** Tue, Jan 30, 2024 1:05 pm  
**To:** Eli Naffah <citymanager@trinidad.ca.gov>, "'cityclerk@trinidad.ca.gov'" <cityclerk@trinidad.ca.gov>  
**Cc:** Jacque Hostler-Carmesin <JHostler@trinidadrancheria.com>, Noah Rodriguez <nrodriguez@TrinidadRancheria.com>  
**Attach:** RAISE Grant LOS Request\_ City of Trinidad.pdf  
LOS Template\_Trinidad RAISE Grant\_Final.docx  
US101\_Trinidad Access Improvements Project Summary.pdf

-  
Good Afternoon,

I trust this email finds you well. I am reaching out to you today on behalf of Chairman Sundberg, Cher-Ae Heights Indian Community of the Trinidad Rancheria. We are currently seeking support from The City of Trinidad for the US 101 Trinidad Area Access Improvement Project, RAISE Grant application, which is poised to make a significant impact not only for our tribe but also for the City and the entire community.

Attached to this email, you will find a letter from Chairman Sundberg requesting the Mayor's support, a template letter of support and a brief document outlining key details of the project. We believe that the Mayor's endorsement would play a crucial role in ensuring the success of this transformative initiative.

In the next few days, hard copies of the project proposal will be mailed to the City. However, due to time constraints, we kindly request that, if agreeable, you could assist us in obtaining the City's support by sending back the signed letter of support via email to [lsanders@trinidadrancheria.com](mailto:lsanders@trinidadrancheria.com).

Support for this project is essential, and we are confident that the City's endorsement will contribute significantly to the success of our application for the Raise Grant.

Thank you for considering our request, and we look forward to a positive response.

*Leslie Sanders*

Leslie Sanders  
Transportation and Land-Use  
Trinidad Rancheria  
707-601-5754 (cell)

This communication, including any attachments, may contain privileged or confidential information intended for a specific individual(s) and purpose, and is protected by law. The information may not be disclosed to anyone other than the intended recipient(s), or a person authorized to receive the communication on behalf of the intended recipient(s). If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying, or distribution of this communication, or the taking of any action based on it, is strictly prohibited.





City of Trinidad  
Mayor Kelly  
409 Trinity Street  
PO Box 390  
Trinidad, CA 95570

**Subject: Request for Support – 2024 Raise Grant Application**

Dear Mayor Kelly,

I hope this request for a letter of support finds you well. I am reaching out on behalf of the Cher-Ae Heights Indian Community of the Trinidad Rancheria, seeking your support for our application for the 2024 Rebuilding America Infrastructure with Sustainability and Equity (RAISE) Grant. Specifically, we are seeking assistance for the Plans, Specifications, and Estimate (PS&E) phase of the US 101 Trinidad Area Access Improvement Project.

The US 101 Trinidad Area Access Improvement Project has been a longstanding priority for our tribe, aiming to enhance transportation infrastructure in our community. Over the years, collaborative efforts with various stakeholders have led to the approval of key project phases, including the Project Study Report-Project Development Support (PSR-PDS).

We have successfully navigated financial constraints, leveraging funds from multiple sources, including a 2018 STIP allocation, Tribal Transportation funds, a US DOT Thriving Communities Grant, Bridge Funding, and a Tribal Transportation Safety Fund which shall allow us to proceed through and complete the Project Approval and Environmental Document (PA&ED) phase.

We are confident that receiving the RAISE grant will enable us to conduct thorough planning and design, laying the foundation for the successful implementation of the project. The Project will address the needed improvement access to and from the US 101 and address the significant safety concerns to the Scenic Drive. The US 101 Trinidad Area Access Improvement Project will not only contribute to the overall safety of the community but promote economic development, tourism and accessibility for individuals and business alike. The benefits of the improved access will have a lasting positive impact contributing to a more resilient connectivity to our tribal lands as well as connectivity for our community's residents, businesses, and visitors.

We kindly request your support in providing a letter of endorsement for our grant application. Attached is a template for your consideration. Your endorsement will strengthen our application and demonstrate widespread community backing for this crucial project.



If you require additional details or would like more information for the letter, please feel free to contact Leslie Sanders, Transportation and Land Use Manager, at [lsanders@trinidadrancheria.com](mailto:lsanders@trinidadrancheria.com).

Thank you for considering our request. Your support is invaluable in realizing the positive impact of the US 101 Trinidad Area Access Improvement Project.

Sincerely,

A handwritten signature in blue ink, reading "Garth Sundberg". The signature is written in a cursive, flowing style.

Garth Sundberg  
Tribal Chairman  
Trinidad Rancheria

[Insert Letterhead]

[Date]

The Honorable Pete Buttigieg, Secretary  
United States Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE: Support for Cher-Ae Heights Indian Community of the Trinidad Rancheria  
(Trinidad Rancheria) Rebuilding American Infrastructure with Sustainability and  
Equity (RAISE) 2024 Grant Application**

Dear Application Review Committee:

This letter of support from the <INSERT NAME OF AGENCY/ORG> is provided in favor of the RAISE 2024 grant application for the continued development, of planning, design and engineering (PS&E) of the US 101 Trinidad Area Access Improvement Project. In this initiative, the Trinidad Rancheria, recognized as a federal tribal government, seeks to fulfill various unmet transportation and economic needs by modernizing infrastructure and implementing safety measures to enhance socio-economic conditions.

The project aims to: 1) provide safe and sustainable access to and from US 101, for multi-modal transportation to the surrounding communities along Scenic Drive; 2) transform the failing Scenic Drive, serving as the entrance to the main parcel, into a context-sensitive corridor; and 3) Reconnect tribal lands, currently tribal land and tribal housing is located east of US 101 with no direct access to the essential tribal services and government located west of US 101.

While the focus is on improving conditions for residents, community members, and visitors, particularly addressing safety concerns for pedestrians, bicyclists, and motorists on the critical Scenic Drive through enhanced access and safety measures the project supports goods movement throughout the region and aligns with statewide expansion efforts. Furthermore, it is expected to contribute to the improvement and revitalization of the region's socio-economic landscape, benefiting residents, community members, businesses, and visitors associated with or near the Trinidad Rancheria.

The Project will improve upon and build from the joint inter-agency cooperation (California Department of Transportation, Humboldt County Association of Governments, County of Humboldt, and Tribal) that created the US 101 Trinidad Area Access Improvement Project, PSR-PDS, Trinidad Area Freeway Master Plan Study Report Road, as well as the Cher-Ae Heights Indian Community of the Trinidad Rancheria Comprehensive Plan, and Integrated Development Standards.

For these reasons and more, we strongly advocate for its recognition and approval to receive the RAISE grant funds. <INSERT NAME OF AGENCY/ORG> firmly supports the endeavor, recognizing its significance and potential positive impact on the community, infrastructure, and overall socio-economic conditions. We urge the U.S. Department of Transportation to consider and approve the allocation of the RAISE funds to ensure the successful realization of this crucial and transformative initiative.

Sincerely,

<INSERT SIGNATURE, TITLE, ORG>

# **US101/TRINIDAD AREA ACCESS IMPROVEMENTS**

## **PROJECT SUMMARY**

The Cher-Ae Heights Indian Community of the Trinidad Rancheria proposes a range of roadway improvements in Humboldt County along US 101. The purpose of the project is to provide safe and sustainable access to and from US 101 for multi-modal transportation to Tribal lands and the surrounding communities along Scenic Drive; relieve project traffic congestion associated with planned future development on the Rancheria; and reconnect Tribal lands. The Trinidad Rancheria is working in collaboration with the California Department of Transportation (Caltrans), Humboldt County and the city of Trinidad on the project to address the following deficiencies:

- Scenic Drive, which provides the only access road to the Rancheria's main parcel, is unsafe due to narrow roadway width with limited to no shoulder, poor sight distance, steep drop-offs, a lack of roadway departure countermeasures, slope instability with recurrent landslides, limited to no accommodation for pedestrians and bicyclists, and poor pavement condition. There is no safe, reliable, or redundant access to the Rancheria and surrounding communities along Scenic Drive.
- Future planned development identified in the Trinidad Rancheria Community Based Comprehensive Plan will increase traffic demand beyond what the existing US 101/Trinidad-Main Street Interchange can accommodate.
- Tribal lands were bisected with the construction of US 101 and there are no roads or trails connecting Tribal lands on the east and west side of the freeway. Tribal members living on the east side of US 101 are regularly crossing the freeway on foot to get to the Rancheria's main parcel on west side of US 101. Pedestrians are prohibited on US 101, but the route along local roadways is a much longer alternative (2.3 miles compared to 0.2 miles on foot). This safety problem is exacerbated by a lack of lighting on US 101 at the ad hoc crossing location.

## **Project Background**

The current alignment of US 101 was constructed in 1962. At the time, the Bureau of Indian Affairs gave up Trinidad Rancheria right of way for the new highway, without Tribal Council approval and without negotiating for direct access on behalf of the Tribe. Currently, the only access to the Rancheria main parcel, which houses Tribal Government Operations, the Victim Services Social Services Center, the Emergency Operations Center which includes Public Safety, Tribal Library, RV Park, the Cher-Ae Heights Casino, as well as Tribal Member Housing is by way of Scenic Drive, a narrow two-lane road that was part of the original highway when it was built in the early 1920s. Scenic Drive was constructed on the face of a steep bluff adjacent to the Pacific Ocean and has experienced extensive damage associated with slope instability and bluff erosion at several locations. Access to the Rancheria is compromised due to the regular road closures and geological instability of Scenic Drive.

In the early 2000s, the Trinidad Rancheria initiated an Access Improvement Feasibility Study to

investigate alternatives that would provide improved access addressing the current and future needs of the people of the Trinidad Rancheria, Humboldt County, and the city of Trinidad. The Tribes efforts continued and several additional studies and design fairs were undertaken to identify potential access improvements that would address inadequate safety, accessibility, mobility, and operational issues, as well as reconnect tribal lands. In 2012 a Project Development Team (PDT) was formed, and in 2016 the Project Initiation Document (PID) phase began. The Project Study Report-Project Development Support (PSR-PDS) was approved by Caltrans and the Tribe in December 2017 allowing the project to move into the Project Approval and Environmental Document (PA&ED) phase.

### **Project Description**

The project would include interchange and local road improvements to provide safe, sustainable, and redundant access to the Trinidad Rancheria and surrounding communities located along Scenic Drive. Up to 12 alternative designs, including the No-Build (No Action) Alternative, were considered at the Project Initiation phase. Three project alternatives have been identified for the proposed project - the No-Build Alternative, Alternative 3D, and Alternative 5C. The No-Build Alternative would make no changes to the existing roadways and would not achieve the purpose and need for the proposed project.

Alternative 3D proposes a new interchange adjacent to Tribal lands; a new Class I Multi-Use trail connecting Tribal lands east and west of US 101; and improvements to Scenic Drive and Cher-Ae Lane. Alternative 3D would result in the construction of a new US 101/Cher-Ae Lane interchange with an overcrossing about 0.7 mile south of the existing undercrossing at the US 101/Trinidad-Main Street interchange, improvements to US 101 mainline from PM 99.6 to PM 100.6, improvements to Scenic Drive from 200 feet south of Cher-Ae Lane to Main Street, and improvements to Cher-Ae Lane.

Alternative 5C proposes improvements to the existing US 101/Trinidad-Main Street interchange, a new Class I Multi-Use trail connecting Tribal lands east and west of U.S. 101, including a new pedestrian overcrossing, and improvements to Scenic Drive. Alternative 5C would result in the reconstruction the US 101/Trinidad-Main Street interchange with a roundabout on the west side of US 101 at the SB off-ramp, Patrick's Point Drive, Scenic Drive, and SB on-ramp intersection and an offset intersection on the east side of US 101 at the NB off-ramp, Westhaven Drive, Trinidad Frontage Road, and NB on-ramp crossing; improvements to US 101 mainline from PM 100.3 to 101.1; improvements to Scenic Drive from Cher-Ae Lane to Main Street and improvements to Cher-Ae Lane.



## **DISCUSSION AGENDA ITEM 4**

### **SUPPORTING DOCUMENTATION ATTACHED**

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4. Stormwater Project Recap

## **DISCUSSIONAGENDA ITEM**

**Date: February 13, 2024**

---

### **Item: TRINIDAD ASBS STORMWATER PROJECT RECAP**

The final phase of the City of Trinidad ASBS Storm Water Management Improvement Project has been completed. Staff is completing several tasks and wrapping up administrative details. The improvements to the stormwater system funded were funded by a Proposition 84 Stormwater Grant and USDA Stormwater funding. The purpose of the project is to eliminate two stormwater discharges (City and the Humboldt State University's Marine Lab) into the Trinidad Head Area of Special Biological Significance (ASBS) by constructing treatment and infiltration facilities that will intercept and treat the stormwater without discharging into the bay.

City staff will present a summary of the recently completed stormwater improvement project. There have been multiple phases to this project over many years and a recap will be provided outlining the overall project timeline. The brief presentation will include some graphics and pictures from the multiple year construction project, discuss some lessons learned, and conclude with next steps.

### **Recommendation**

Informational only, no action needed.

**Attachments: None**



# City of Trinidad

## ASBS Stormwater Improvement Project Recap – February 22, 2024

Dagan Short, P.E.

Steven Allen, P.E.

Patrick Sullivan, P.E.





# Presentation Outline

- ✓ Purpose of the ASBS Stormwater Project
- ✓ Brief Timeline and Key Dates
- ✓ Lessons Learned
- ✓ Project Benefits
- ✓ Next Steps
- ✓ Questions



# Purpose of the ASBS Stormwater Project

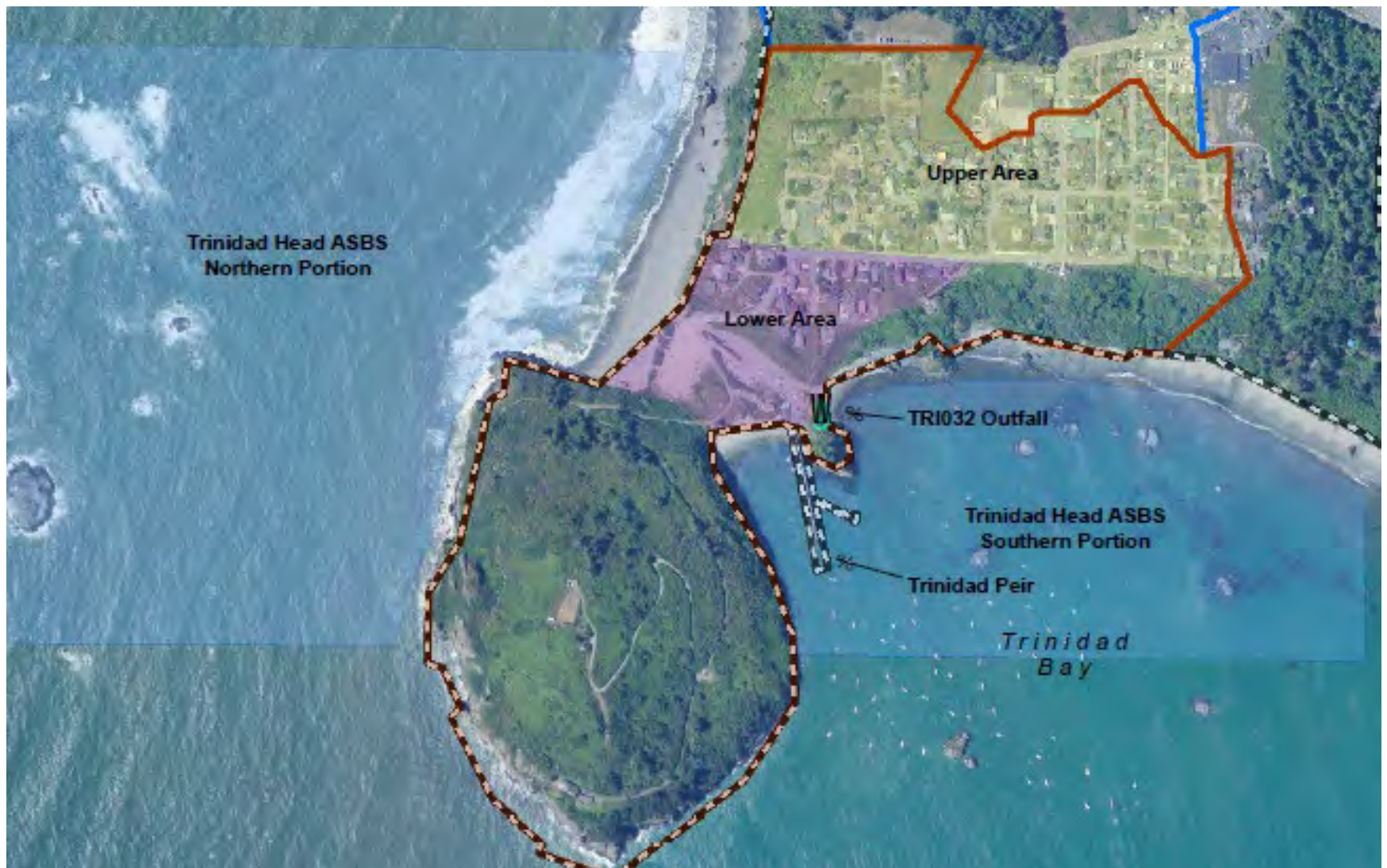
The City received a letter from the State Water Surface Resources Control Board regarding protecting the Trinidad Bay Area of Special Biological Significance (ASBS):

- There are 34 Designated ASBS Areas along California's Coast.

The City pursued grant funding and completed an Integrated Coastal Watershed Management Plan (ICWMP) with many project partners and stakeholders to address the requirements in the above letter.

- The Stormwater Action Plan identified projects within the City.
- Overall Concept is to:
  - Utilize proven technologies,
  - Utilize gravity based systems,
  - Minimize maintenance requirements,
  - Utilize dispersed infiltration areas.

# Trinidad Head ASBS Area



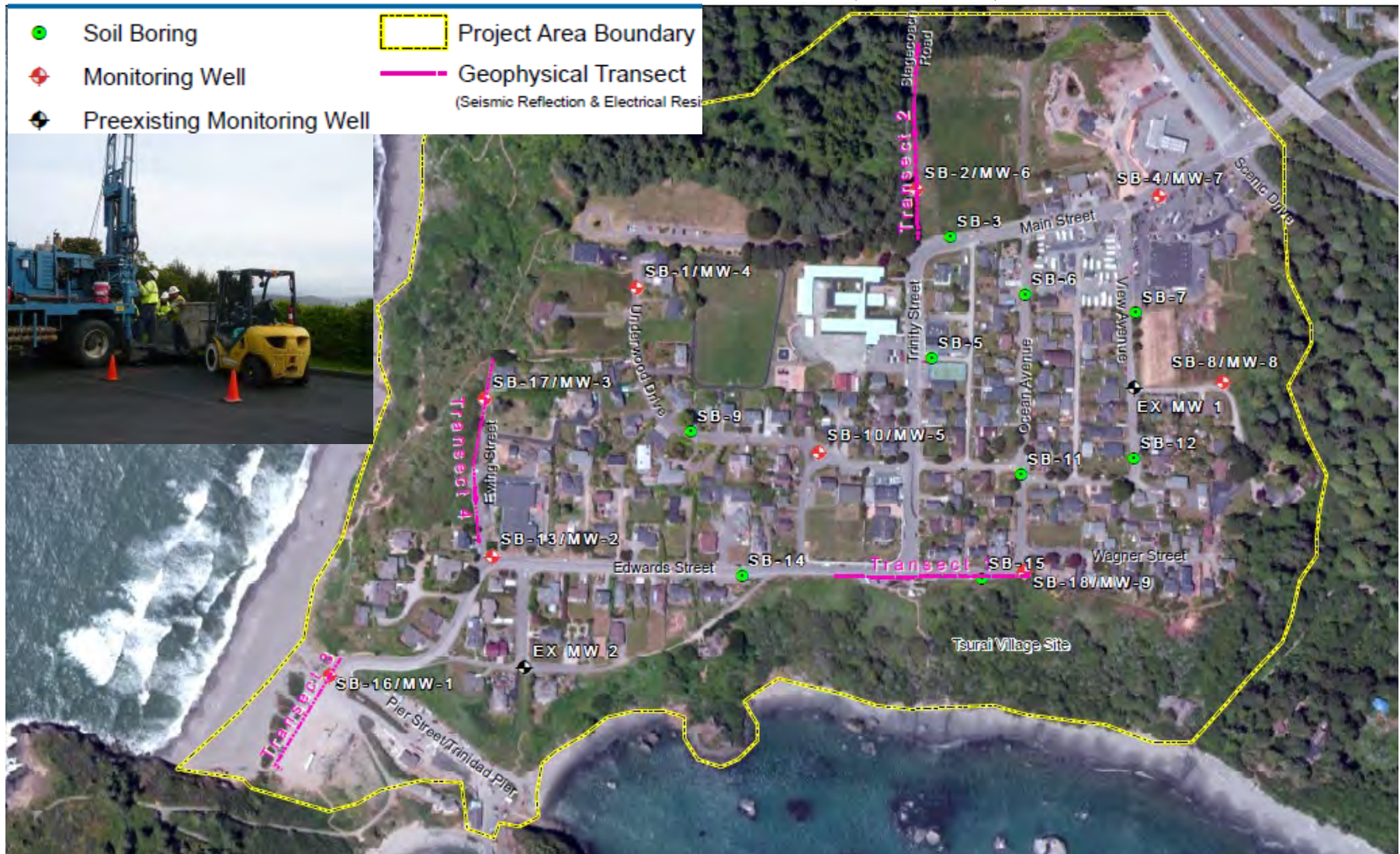


# Brief Timeline and Key Dates

- ✓ Integrated Coastal Watershed Management Plan (2008)
- ✓ Construction of Phase I (2014)
  - ✓ Trinity Street
  - ✓ Ocean Avenue
- ✓ Construction of Phase I-b (2018)
  - ✓ Hector Avenue
  - ✓ East Street
- ✓ Construction of Final Phase (2023)
  - ✓ Underwood Drive
  - ✓ Edwards Street
  - ✓ Ewing Street
  - ✓ Lower Beach Parking Area
  - ✓ HSU Telonicher Marine Lab

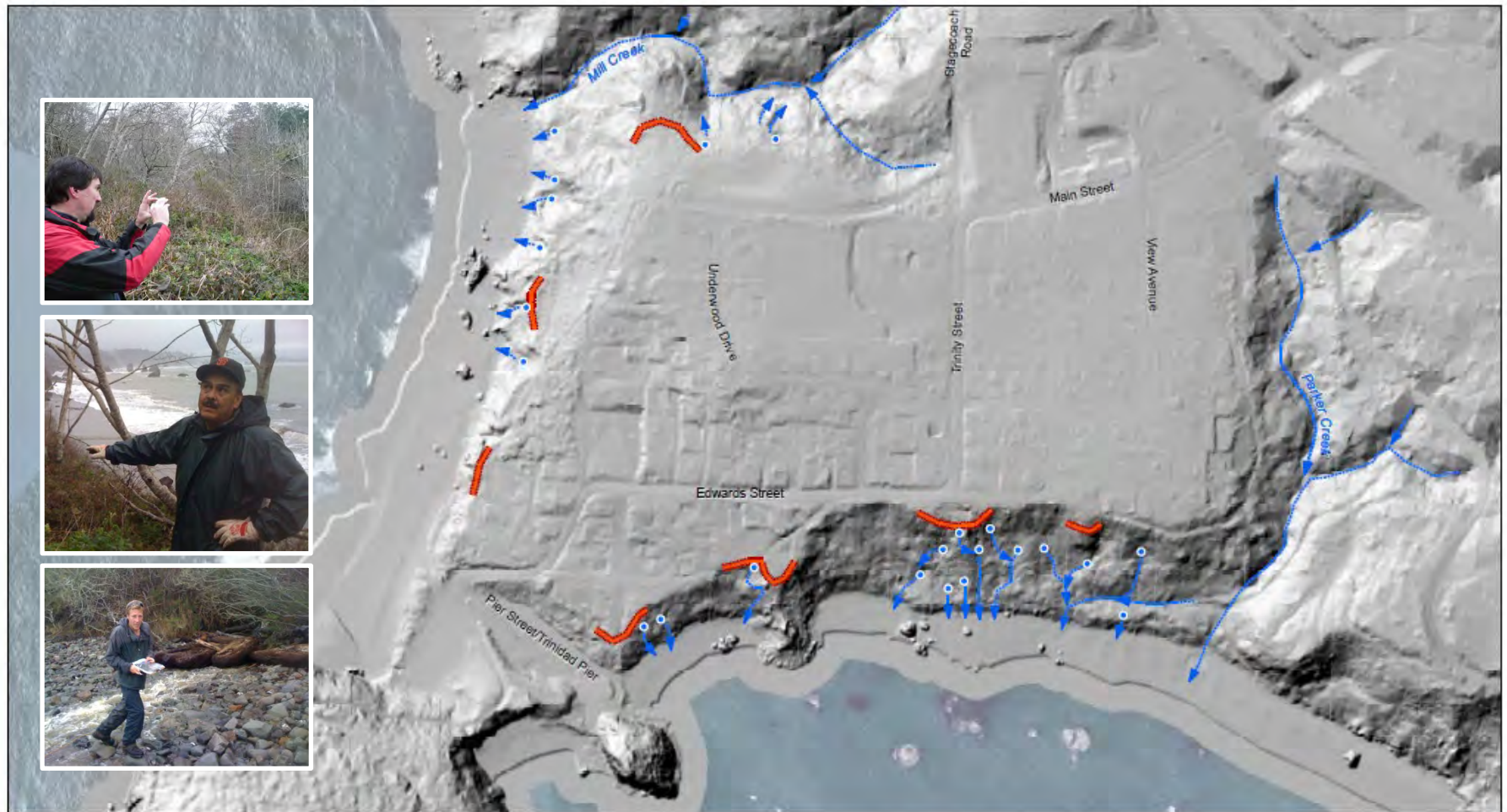


# Geotechnical Field Activities (2012)





# Mapping Drainages, Bedrock, and Seeps/ Springs



Paper Size 11" x 17" (ANSI B)  
 0 100 200 300 400 500 600  
 Feet  
 Map Projection: Lambert Conformal/Conic  
 Horizontal Datum: North American 1983  
 Grid: NAD 1983 StatePlane California 1 FIPS 5401 Feet



Seep

Exposed/Evidence of Bedrock Outcrop



Flow Path



City of Trinidad  
 Trinidad ASBS Stormwater Phase 1

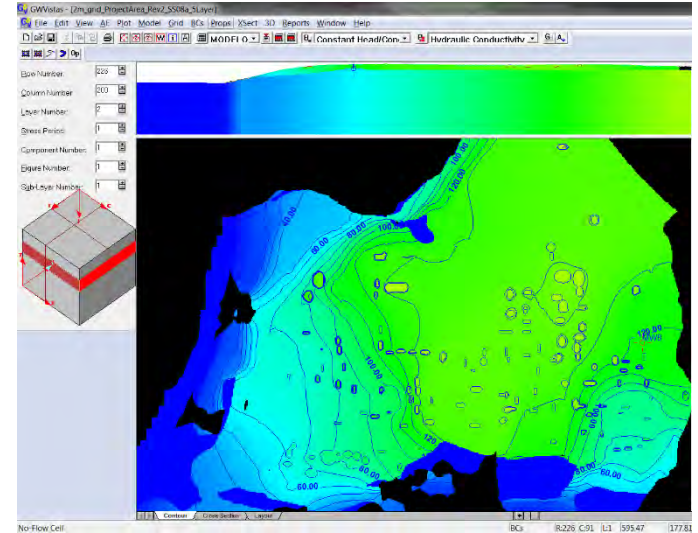
Springs, Seeps,  
 and Bedrock Outcrops

Job Number 0106311005  
 Revision A  
 Date 26 Oct 2012

Figure A-4

# Groundwater Model (2013)

- MODFLOW-Surfact 3-D flow groundwater model was developed based upon physical properties collected during the geotechnical investigation
- Predictive groundwater model that describes groundwater movement and response to various changes in conditions – spatial and temporal
- Used to evaluate changes in subsurface conditions for stormwater design scenarios
- Model set up and calibration reviewed by independent 3<sup>rd</sup> party firm, HydroGeologic, Inc.
- Results analyzed by Independent Geotechnical Engineering Firm, Crawford & Associates, Inc.





# Phase I – ASBS Stormwater Project Renderings



**BEFORE**



**AFTER- RENDERING**



# Phase I-b OPC LID Stormwater Project Renderings



**BEFORE**



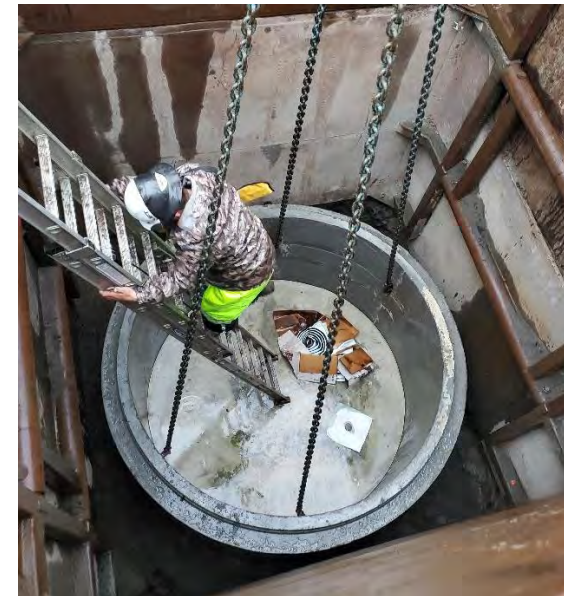
**AFTER- RENDERING**

# Construction Photos





# Construction Photos





# Lessons Learned

## Challenge:

- Grant elements such as rainwater collection on property that is not owned by the city.

## Bioswales:

- Encouraged by regulatory agencies;
- Designed to accommodate parking;
- First year construction not ideal for parking;
- Made design changes in subsequent years.

## Regulatory Requirements:

- Project addressed original regulatory requirements
- Last year new groundwater monitoring requirement

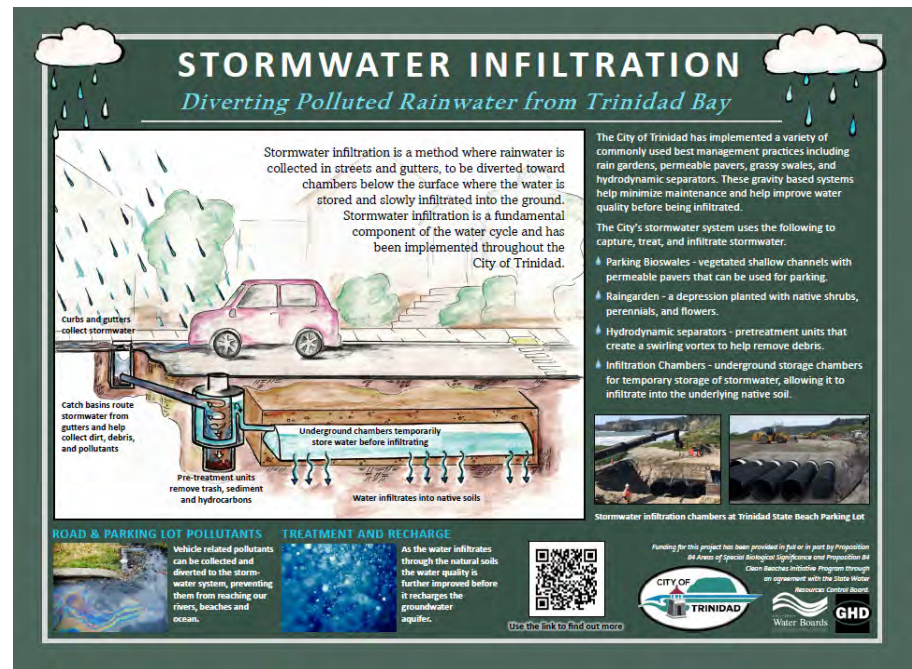


# Next Steps

- The City will continue working with the Water Boards and Regional Board through the MS4 Permit waiver process and to determine the path to regulatory compliance for the newly constructed stormwater management facilities.
- The City will continue participation in the Trinidad Bay Watershed Council to work collaboratively to improve the local watersheds and ASBS. Addresses regulatory requirements in letter; and
- The City will also continue as a member of the North Coast Stormwater Coalition as a way to leverage the staff efforts and resources “to reduce stormwater pollution in local streams, rivers, estuaries, bays and the ocean through public education and outreach, coordinating pollution prevention efforts and implementing pollution control measures.”

## Next Steps, Cont.

- The City will finalize an interpretive sign of the new stormwater system to be located near the tennis courts as one of the last items of the stormwater project.



- With the completion of this ASBS Stormwater Management Improvement Project, all the City's priority projects have been completed from the Trinidad-Westhaven Integrated Coastal Watershed Management Plan. The City is now working with partners to develop a Trinidad Community Coastal Resilience Action Plan which will continue the collaborative work "to improve and maintain the watersheds, coastal waters, communities in the Trinidad and Westhaven area for the benefit of all community members.

# Acknowledgements

Many individuals, organizations, agencies and businesses were involved in the development and implementation of this project. Key partners for this project include the Cher-Ae Heights Indian Community of the Trinidad Rancheria, Trinidad Bay Watershed Council, GHD, SHN, Kinnetic Environmental, Inc. (formerly ADH Environmental, Inc.), Trinidad Gateway Committee for the California Coastal National Monument and the Cal Poly Humboldt Telonicher Marine Laboratory.

Many thanks to all our partners, and we give a special thank you to the Division of Financial Assistance of the State Water Resources Control Board for supporting and funding our project to protect the water quality of the Trinidad Head Area of Special Biological Significance. Additional funding was provided through a USDA Stormwater Grant. Funding for this project has been provided in full or in part through an agreement with the State Water Resources Control Board. The contents of this document do not necessarily reflect the views and policies of the State Water Resources Control Board, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.





# Questions?

[www.ghd.com](http://www.ghd.com)





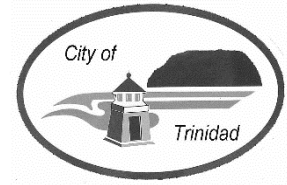
## **DISCUSSION AGENDA ITEM 5**

### **SUPPORTING DOCUMENTATION ATTACHED**

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5. Continued Discussion/Decision regarding the Preliminary Draft Accessory Dwelling Unit Ordinance.

## DISCUSSION / ACTION AGENDA ITEM



Tuesday, January 23, 2024

STR Committee / City Council / Planning Commission Meeting

---

**Item:** ADU Ordinance: Discussion/recommendation regarding a draft ADU ordinance and whether any type of STR should be allowed in either an ADU or the primary unit.

### Background

For a number of years, State law has required local jurisdictions to approve Accessory Dwelling Units (ADUs) that meet certain standards. As the State housing crisis continues and housing goals have not been met, the State has further curtailed local jurisdictions' ability to restrict ADUs. Trinidad has been somewhat buffered from these requirements, because the State ADU law does not supersede Local Coastal Programs (LCPs) that have been certified by the Coastal Commission. But ADUs can provide an important source of more affordable housing in the Coastal Zone, and one of the implementation measures in the City's adopted Housing Element is to adopt an ADU ordinance.

### History

Trinidad adopted an ADU ordinance in 2012 that was in compliance with the State ADU law in effect at that time. However, upon submittal to the Coastal Commission for certification, the Coastal Commission requested additional information and analysis to ensure that ADUs would not impact coastal resources. The additional information generally fell into three categories: adequacy of water, wastewater, and parking. At the time, the City did not have the information that was being requested, nor the means to obtain it. In addition, the City was also working on certification of its first short-term rental (STR) ordinance (vacation dwelling units (VDUs) at the time) and chose to focus on that ordinance; so the ADU ordinance never went into effect.

Since then, the City completed a geotechnical study and groundwater modeling for the stormwater project. In addition, several water studies were completed, including a build-out demand assessment that included ADUs. And a parking assessment was recently completed. Therefore, City should now have the information needed to show that ADUs, when regulated, will not negatively affect water supply, wastewater treatment capacity, nor parking availability and public access. In addition, the Coastal Commission is getting more pressure from the state to prioritize housing. City staff have been working closely with Coastal Commission staff in the development of this ordinance.

With funding from the SB2 housing grant, City staff and the Planning Commission worked on a new ADU ordinance starting in April 2021. After several months of work with the Planning Commission, a draft was submitted to Coastal Commission staff for review and comment. It took several months to get initial comments, and then several more months for City staff to respond. Since December 2022, City staff have been meeting monthly with Coastal Commission staff regarding LCP update efforts, and the ADU ordinance has been a significant focus of those meetings. Coastal Commission staff have also been corresponding with staff at the CA Dept. of Housing and Community Development (HCD) regarding questions about state housing law and deviations from state standards. HCD now has the authority to review and approve (or reject) local ADU ordinances. It appears that Coastal Commission staff and City staff are generally in agreement on this latest version of the ADU ordinance.

### **STR Committee Role and Recommendation**

There is one particular area that City and Coastal Commission staff would like to get input on, and that is whether STRs of any type are allowed in either the ADU or primary dwelling (§ 17.54.060.H). The Planning Commission discussed this at their November meeting, and there was no consensus. The Planning Commission requested input from the STR Committee in particular. The focus of this meeting should be on the issue of STRs in relation to ADUs. And any deliberations and recommendations should be specific to STRs. However, there has not been much public attendance at the Planning Commission meetings, and City staff and the Planning Commission are interested in getting additional public input on the entire ADU ordinance. Therefore, additional background on the entire ordinance is included below, and people are welcome to comment on any aspect of the ordinance for future Planning Commission consideration.

Under state law, ADUs meeting certain standards are not allowed to be STRs, and for other ADUs, a local jurisdiction may prohibit them from being STRs. I have lumped all of these standard ADUs together in order to simplify the ordinance. Therefore, Coastal Commission staff feel that ADUs must be prohibited from being full-time STRs. In addition, there are several examples of ADU regulations in LCPs that prohibit both the ADU and primary unit from being STRs (including Humboldt County). And some Coastal Commissioners have pushed for that, but not all; staff opinions vary on this issue. There is also the option to allow ADUs (and/or primary units) to be STRs only with approval of a use permit, which is the same as for ADUs that don't meet all the standard requirements.

In addition, Trinidad has allowances for Homeshare and Resident STRs. Homeshare STRs are where the resident rents out a bedroom in their home while they are home. Resident STRs are where someone lives in their home most of the year but can rent the entire house for up to 60 days while they are gone. Except that ADUs should not be rented as Full-time STRs based on state law, Coastal Commission staff did not have a consensus about whether to allow other types of STRs should be allowed. However,

they anticipate that some Coastal Commissioners will have strong opinions. So, we want to get direction from the community. It can be argued that with Trinidad's caps on STRs, housing is already protected, and new ADUs would not result in additional STRs. In addition, Resident and Homeshare STRs could increase affordability of housing in Trinidad for residents and encourage the creation of ADUs.

In summary, the following questions in relation to ADUs and STRs should be considered:

1. Should the primary unit be allowed to be a Full-time STR?
2. Should Full-time STRs be allowed in an ADU subject to approval of a use permit?
3. Should Homeshare or Resident STRs be allowed in ADUs and/or the primary unit, and if so, with or without a use permit?

### **Draft ADU Ordinance**

As noted above, State law has become very strict in regards to ADUs, and generally requires local jurisdictions to approve them "by right" ministerially if they meet certain standards (which have tended to expand each year). Ministerial approvals include no discretion on the part of the jurisdiction – if the ADU meets the applicable standards, then it must be approved. Generally, the only deviations from State standards allowed are those necessary to protect sensitive resources, including coastal resources protected by the Coastal Act, or if it can be shown that services are inadequate to accommodate ADUs.

The proposed ordinance is lengthy and complex, but it includes some basic elements. ADUs can be attached to or detached from the primary residence, and/or they can be converted from existing structures. Junior ADUs (JADUs) are small ADUs carved out of existing living space, including a bedroom. I believe JADUs may have the most potential in Trinidad, especially if OWTS upgrades are not required or minimal, because they usually do not have full kitchens. OWTS requirements will likely be the primary limiting factor for ADUs in Trinidad.

There are different levels of permitting requirements for ADUs depending on what standards they meet, and where they are located. The permitting process will be primarily dictated by the Coastal Development Permit (CDP) requirements.

- Certain JADUs may not be development under the Coastal Act and would only require a ministerial ADU permit, not a CDP.
- J/ADUs that meet all the standards of the ordinance, that are not in or near sensitive areas, and that do not require OWTS upgrades (likely rare), can get a ministerial CDP (blue hatching, Figure 1). Within the areas appealable to the Coastal Commission (yellow area, Figure 1), a ministerial CDP can be appealed to the Coastal Commission, but not to a City body.

- J/ADUs that require OWTS upgrades, but meet all other standards, can get an administrative CDP if they are not within the area appealable to the Coastal Commission, which includes most of the City (yellow area, Figure 1).
- J/ADUs that do not meet all the standards of the ordinance can get a standard CDP and use permit. However, certain standards of the ordinance can be deviated from (such as a larger size), and others cannot. These are specified in the ordinance.

The ordinance contains coastal resource protection standards, public safety standards, standards that apply to both J/ADUs, standards specific to ADUs and standards specific to JADUs. There are also provisions for nonconforming and unpermitted/illegal ADUs. And that is a basic outline of the ordinance. Note that Coastal Commission staff are requiring the addition of six standard conditions for ADUs located near bluffs and unstable areas (§ 17.54.040.G). These will likely be requirements for all development in those areas, not just ADUs, when the LCP is comprehensively updated in the next few years.

One thing to note is that the area where “by right” ministerial approvals will occur is somewhat limited (blue hatching, Figure 1). But even in the ministerial area, most ADUs will require OWTS improvements, which does not qualify for ministerial approval. Administrative permits could apply to ADUs with OWTS improvements, but only in areas that are not appealable to the Coastal Commission (orange area, Figure 1). Administrative permits must be reported to the Planning Commission and may be appealed locally. It may be possible for someone to get an administrative permit for just the OWTS improvements, and then get a ministerial permit for the ADU itself once those improvements are done.

I anticipate that one of the primary concerns with these new regulations will be the potential for view impacts, because new structures and additions to structures would be allowed without going through design review (or any public review). And, unfortunately, the height limits for ADUs under State law just changed in 2023 to allow taller structures. The current version of the City’s ADU ordinance still uses the previous limits, which were 16 feet for new structures or no more than a 10% increase on the height of an existing structure for additions. These limits could still have view impacts, but, considering the limited area that most ministerial approvals will apply to, the impacts should be limited. In addition, accessory structures up to 15 feet in height are currently allowed without design review in most areas of the City. The new, taller height limits (up to 25 feet for attached ADUs) are untested in the coastal zone, and Coastal Commission staff are generally supportive of keeping the existing limits. I am working with them on ways to present this to HCD staff to get their concurrence. The Coastal Act does not protect private views, so it must be based on protecting public views and/or community character.

There are a few other deviations from state ADU law in the draft ordinance that are intended to protect coastal resources and access. One is the parking requirements. State law limits the situations under which a local jurisdiction can require parking space(s) for an ADU. I am proposing that we include a parking requirement where there is no on-street parking (e.g Wagner, Pacific) and when parking spaces for the primary unit are impacted. Coastal Commission staff will need to discuss this with HCD staff, but are supportive of the proposed language.

Another deviation is in the number of J/ADUs allowed per parcel. The state law gets very complicated when it comes to multifamily housing. I left most of that out for brevity since it hardly applies to Trinidad. One final detail I haven't worked out is front yard setback requirements. Another change in 2023 that the State made was to not allow a front yard setback requirement if it would preclude construction of an ADU at least 800 sq. ft. in size. I did not add that provision since the law changed, and we will let HCD weigh in on it; the Coastal Commission hasn't dealt with that specific provision yet.

If you are interested in further information about State ADU law, you can visit HCD's ADU website here: <https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units>, and access their ADU Handbook here (note it has not been updated to include the most recent 2023 additions): <https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf>

### **Staff Recommendation/Suggested Action(s)**

Please provide input/recommendations on the issue of STRs and ADUs. And you are welcome to ask questions and provide any other input that you have.

### **Attachments**

- Draft ADU ordinance (19 pages)
- ADU Figure 1 (1 page)
- Coastal Commission ADU Memo (10 pages)

**ORDINANCE NO. 2024-XX**

**AN ORDINANCE OF THE CITY OF TRINIDAD**  
**AMENDING CHAPTERS 17.08, 17.28, 17.32, 17.36 AND 17.56 AND ADDING**  
**CHAPTER 17.54 TO TITLE 17 OF THE TRINIDAD MUNICIPAL CODE**

The City Council of the City of Trinidad does hereby ordain as follows:

**ORDINANCE 2022-XX, SECTION 1:**

Chapter 17.08 shall be amended as follows:

**A new section 17.08.015 is hereby added to the Trinidad Municipal Code as follows:**

**17.08.015     Accessory dwelling unit**

"Accessory dwelling unit" or ADU means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, cooking, eating, and sanitation on the same parcel as the primary dwelling is or will be situated. A detached ADU is not considered an accessory building or accessory use.

**A new section 17.08.018 is hereby added to the Trinidad Municipal Code as follows:**

**17.08.018     ADU permit**

"ADU Permit" means a permit issued by the City for either an ADU or JADU pursuant to this section.

**A new section 17.08.365 is hereby added to the Trinidad Municipal Code as follows:**

**17.08.365     Junior accessory dwelling unit**

"Junior Accessory Dwelling Unit" or JADU means a dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling.

**A new section 17.08.34 is hereby added to the Trinidad Municipal Code as follows:**

**17.08.373     Legally authorized residential structure**

“Legally Authorized Residential Structure” is a dwelling unit or accessory structure that has either been constructed with required permits and approvals from the California Coastal Commission and City of Trinidad, or that is a legal, nonconforming structure.

**A new section 17.08.377 is hereby added to the Trinidad Municipal Code as follows:**

17.08.377 Living area

“Living area” means the interior habitable area of a dwelling unit, including habitable basements and attics, but not including garages or any nonhabitable accessory structures.

**A new section 17.08.532 is hereby added to the Trinidad Municipal Code as follows:**

17.08.532 OWTS modification

“OWTS Modification” means alterations to an existing onsite wastewater treatment system (OWTS) that do not constitute repair and maintenance pursuant to Public Resources Code § 30610.

**A new section 17.08.545 is hereby added to the Trinidad Municipal Code as follows:**

17.08.545 Primary dwelling

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

**A new section 17.08.548 is hereby added to the Trinidad Municipal Code as follows:**

17.08.548 Proposed dwelling

“Proposed dwelling” means a dwelling that is the subject of a permit application and that meets all the requirements for permitting, including coastal development permit requirements.

**A new section 17.08.549 is hereby added to the Trinidad Municipal Code as follows:**

17.08.549 Public transit

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.



**A new section 17.08.694 is hereby added to the Trinidad Municipal Code as follows:**

**17.08.694 Tandem parking**

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

**ORDINANCE 2022-XX, SECTION 2:**

There is hereby added to the Trinidad Municipal Code a new Chapter, Chapter 17.54, “City of Trinidad Accessory Dwelling Unit Ordinance,” which shall read as follows:

**Section 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. ADUs offer flexibility in housing options and an opportunity for the development of small rental units that provide relatively affordable housing for low- and moderate-income individuals and families, provide economic support for resident property owners, and provide rental units for the elderly or disabled. It is the intent of the City to permit ADUs and Junior ADUs (JADUs), in conformance with state law (Government Code § 65852.2 and § 65852.22), subject to standards that will ensure the units contribute to a safe living environment for all residents. The purpose of this chapter is to maintain the small town, residential character of the City and protect coastal resources when regulating ADUs and JADUs, while complying with the Sections of Government Code § 65852.2 and § 65852.22 to the greatest extent feasible.

**Section 17.54.020 – CAP ON THE NUMBER OF ADUS**

The City of Trinidad has a limited water supply and no centralized sewage treatment; wastewater is treated via onsite wastewater treatment systems (OWTS). Therefore, in order to protect coastal resources, the number of new ADUs permitted pursuant to this Chapter shall be limited to thirty-six (36). JADUs shall not be subject to this cap. Any change to the cap on the number of ADUs shall require a Local Coastal Program (LCP) amendment, which shall be accompanied by information assessing the potential impact of additional ADUs on coastal resources, including, but not limited to, water quantity and quality. This cap shall be reevaluated if and when: (i) there are any changes to the City’s water system that substantially change the amount of water availability, such as the addition of a new water source; or (ii) if the City permits 36 ADUs such that the cap on the number of ADUs is reached.

**Section 17.54.030 – PERMITS REQUIRED**

- A. Establishment of an ADU or JADU requires an ADU Permit from the City.
- B. All ADUs and JADUs shall be required to obtain a building permit. Occupancy of an ADU or JADU shall be prohibited until the unit receives a successful final inspection pursuant to a valid building permit and receives a certificate of occupancy or finalized permit card issued by the City on or after the date of the successful final inspection.
- C. Ministerial approval: Any application for an ADU or JADU that meets all applicable standards including §§ 17.54.040 – 17.54.080 of this chapter shall be approved ministerially by the City Planner without a public hearing except as provided in subsections D-F below.
- D. Use permit: A use permit shall be required in accordance with this chapter and chapter 17.72 of the Trinidad Zoning Ordinance for establishment of an ADU which does not meet all the standards of § 17.54.070. All other standards and requirements of this chapter and the Trinidad LCP shall apply, including design review approval in accordance with Chapter 17.60 as applicable.
- E. Coastal development permits (CDPs): Coastal Development Permits are required for ADUs and JADUs that meet the definition of “development” under Public Resources Code (§ 30106) and that are not excluded from CDP requirements under the California Public Resources Code (§ 30000 and following) or the California Code of Regulations. ADUs or JADUs may be permitted in accordance with one of the following determinations:
  - 1. ADUs and JADUs meeting all applicable standards of the LCP, including §§ 17.54.040 – 17.54.080 as applicable, and that are entirely contained within the living area of the primary dwelling, including at least one bedroom, are not development and do not require a coastal development permit unless the conversion involves alteration to the size of the dwelling, removal or replacement of major structural components, the placement or erection of any solid material or structure on land, modifications to the OWTS, or if a previously issued CDP requires a CDP or CDP amendment for any development on the lot.
  - 2. ADUs and JADUs not included in subsection 1 above, and that meet all applicable standards of the LCP, including §§ 17.54.040 – 17.54.080 as applicable, and that do not require OWTS modification(s) shall be issued a ministerial CDP pursuant to § 17.54.100.
  - 3. ADUs and JADUs that meet all applicable standards of the LCP, including §§ 17.54.040 – 17.54.080 as applicable, and that require OWTS modifications may be issued an administrative CDP (§ 17.72.076), where applicable, consistent with standards established in the LCP.
  - 4. ADUs that do not meet all the standards of § 17.54.070 or ADUs and JADUs that do not meet subsections A-C of § 17.54.040 or ADUs and JADUs that require OWTS modifications within areas appealable to the Coastal Commission pursuant to Public Resources Code § 30603 require a standard CDP through

issuance of a use permit and any other applicable approvals (e.g. design review), and shall be consistent with all applicable standards established in the LCP.

- E. ADUs and JADUs that do not meet all applicable standards except as provided herein are not allowed.

#### **Section 17.54.040 – COASTAL RESOURCE PROTECTION STANDARDS**

In order to protect coastal resources, unless contained entirely within a legally authorized existing or approved residential structure that will not be repaired to the extent that it constitutes a replacement structure under § 13252 of Title 14, California Administrative Code, ADUs and JADUs, where applicable, shall comply with the following standards for the protection of coastal resources. All new development and improvements associated with an ADU or JADU (e.g. OWTS, parking and driveways, vegetation removal for fire safety, etc.) must also meet these standards.

- A. An ADU or JADU and any associated new development shall not be located within 100 feet of the boundary of an Environmentally Sensitive Habitat Area.
- B. An ADU or JADU and any associated new development shall not be located within 125 feet of the edge of a coastal bluff.
- C. An ADU or JADU and any associated new development shall not be permitted on a property with known archaeological resources.
- D. An ADU or JADU and any associated new development shall not be permitted on lands outside of the stable areas or within 100 feet of unstable lands or lands of questionable stability as designated on Plate 3 of the Trinidad General Plan.
- E. An ADU or JADU and any associated new development shall not interfere with a public or prescriptive easement for access to the blufftop and/or shoreline.
- F. Exceptions to requirements A-D may be granted upon approval of an administrative CDP (§ 17.72.076), where applicable, consistent with standards established in the LCP or a standard CDP through issuance of a use permit in accordance with Chapter 17.72.
- G. Prior to issuance of any building permit for an ADU or JADU within 125 feet of the bluff edge or outside of the stable areas or within 100 feet of unstable lands or lands of questionable stability as designated on Plate 3 of the Trinidad General Plan, a deed restriction, approved by the City, shall be recorded with the County Recorder's Office, which shall run with the land and be binding upon any future owners, heirs, or assigns, to acknowledge and agree:
  - 1. that the ADU or JADU is located in a hazardous area, or an area that may become hazardous in the future;

2. to assume the risks of injury and damage from such hazards in connection with the permitted development;
3. that they have no rights under Coastal Act Section 30235 and related LCP policies to shoreline armoring in the future;
4. that sea level rise and related coastal hazards could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable;
5. that the structure may be required to be removed or relocated and the site restored if bluff retreat reaches the point where the structure is threatened or the site is uninhabitable; and
6. that if portions of the subject permitted ADU/JADU, garage, foundations, leach field, septic tank, or other improvements associated with the ADU/JADU fall to the beach or adjacent property before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site, and the landowner shall bear all costs associated with such removal.

#### **Section 17.54.050 – PUBLIC HEALTH AND SAFETY REQUIREMENTS**

##### **A. Building and Fire Standards.**

1. Attached ADUs shall be subject to the same building and fire code standards as for any other modifications to a single-family residence. The installation of fire sprinklers shall not be required in an ADU if sprinklers are not required in the primary dwelling.
2. Detached ADUs shall be subject to building and fire code standards for new dwellings in effect at the time they are constructed, except that fire sprinklers shall not be required for the ADU if they were not required for the primary residence.
3. Newly constructed, detached ADUs shall comply with the California Energy Code requirement to provide solar panels. Solar panels may be installed on the ADU or the primary unit. New electrical lines shall be underground rather than overhead where feasible and if the lines of the primary unit are underground.

##### **B. Onsite Wastewater Treatment System (OWTS):**

1. Adequate sewage capacity must be available to serve the proposed new ADU and/or JADU as well as existing dwelling(s) on the property. Prior to approval of a building permit, the applicant shall submit proof, in the form of written approval or verification by the Health Officer and OWTS administrator, that the

existing OWTS is of adequate size and condition to support projected sewage flow for all existing and proposed dwellings on the property. For systems that are older than 10 years, or that were not engineered when originally constructed, a new soils suitability analysis, including a percolation test, may be required to verify the capacity of the OWTS.

2. If the capacity or condition of the existing OWTS is found to be inadequate to serve the existing and proposed dwellings on the property, all necessary permits and approvals shall be obtained to replace, modify, or upgrade the OWTS as needed and in conformity with all applicable policies of the certified Trinidad Local Coastal Program and in compliance with all current standards and requirements of the Health Officer.
3. An ADU or JADU involving new construction shall not encroach into the OWTS reserve area or its required setbacks. If no reserve area exists or it is undersized for the existing and proposed use(s), a reserve area shall be designated or expanded in accordance with current standards to serve the existing and proposed use(s).

**Section 17.54.060 – GENERAL STANDARDS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

- A. An ADU or JADU may be located on any lot zoned to allow single-family or multifamily residential use (Urban Residential, Suburban Residential, and Planned Development zones) and which either contains an existing or proposed primary dwelling.
- B. The ADU or JADU must be located on the same lot as the existing or proposed primary dwelling.
- C. An ADU or JADU may be rented separately from the primary dwelling, but may not be sold or otherwise conveyed separately from the primary dwelling except when the primary dwelling and the ADU are built by a qualified non-profit corporation and the ADU will provide low-income housing in accordance with Government Code § 65852.26 and only if the ADU has its own separate OWTS.
- D. ADUs and JADUs are considered a residential use but are not required to meet the density requirements of the General Plan/Land Use Plan or zoning ordinance.
- E. A maximum of one ADU and one JADU shall be permitted on any one parcel or lot with a primary or multi-family dwelling.
- F. A certificate of occupancy or final inspection shall not be issued to an ADU or JADU prior to the certificate of occupancy or final inspection for the primary dwelling.
- G. Utilities for detached ADUs shall be installed underground if the utility connections for the primary dwelling are underground. Separate utility meters from the primary

dwelling shall not be required for JADUs and attached ADUs less than 800 sq. ft. in floor area.

- H. Deed Restriction. Prior to issuance of any building permit for an ADU or JADU, a deed restriction, approved by the City, shall be recorded with the County Recorder's Office, which shall run with the land and be binding upon any future owners, heirs, or assigns, and that include the pertinent restrictions and limitations for the ADU or JADU including the following:
1. The prohibition on the conversion of all or a portion of the ADU or JADU to living space of the primary dwelling without prior City approval and applicable permits;
  2. The prohibition on the rental of the ADU or JADU for periods of less than 30 days;
  3. The prohibition on the sale of the ADU or JADU separately from the primary dwelling consistent with § 17.54.060.C;
  4. Restriction on the size and attributes (e.g. number of bedrooms) of the ADU and/or JADU and primary dwelling to what was approved by the City pursuant to this Chapter including limitations to the OWTS.

**Section 17.54.070 -DEVELOPMENT STANDARDS SPECIFIC TO ACCESSORY DWELLING UNITS**

A ministerial ADU permit will be issued only if the ADU complies with all the following development standards:

- A. The ADU may be attached to, or located within, the proposed or existing dwelling, including attached garages, storage areas or similar uses, or within an attached or detached accessory structure, or detached from the proposed or existing dwelling.
  - B. The total floor area of a detached ADU shall not exceed 1,200 square feet. The floor area of an attached ADU shall not exceed 50% of the floor area of the primary dwelling or 1,200 sq. ft., except that at least 850 square feet shall be allowed. Maximum lot coverage and floor-to-area ratios shall be observed.
  - C. The setback requirements for newly constructed ADUs are as follows: front – 20 feet, rear and side – 4 feet, street side – 15 feet. ADUs shall be permitted in legally permitted structures located within required rear and side setbacks.
  - D. In order to protect visual resources and public views of the coast, a newly constructed attached or detached ADU shall be no greater than 16 feet in height. An ADU within an existing structure shall not increase the height of that structure by more than 10%.
- E. Off-street Parking:

1. Each ADU shall provide one off-street parking space per unit except as provided in (3). 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.
  2. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those parking spaces shall not be required to be replaced. Uncovered parking spaces for the primary dwelling shall be replaced, but not to exceed two spaces.
  3. If the lot on which an ADU is proposed is currently conforming as to parking for the existing or proposed primary dwelling(s), and the ADU is located on a street with on-street parking then no additional parking shall be required for an ADU if:
    - a. The ADU is located within one-half mile walking distance of public transit.
    - b. Where the ADU is located within an architecturally and historically significant historic district.
    - c. The ADU is part of the proposed or existing primary residence or an accessory structure.
    - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
    - e. When there is a car share vehicle located within one block of the accessory dwelling unit.
- F. Construction of an ADU shall not require more than 1,000 sq. ft. or 50 cubic yards of grading.
- G. A permanent foundation shall be required for all ADUs.
- H. ADUs that involve new construction shall incorporate the same or similar architectural features and building materials as the primary dwelling unit or dwellings located on adjacent properties.
- I. 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 may be used to provide privacy screening.
- J. 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 2 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.

K. Occupancy

1. The principal place of residence of the property owner shall be either the ADU or the primary unit for ADUs constructed after January 1, 2025.
2. The ADU shall be rented for terms of at least 30 days and shall not be used as an STR unless the primary dwelling is owner-occupied.

**Section 17.54.080 – DEVELOPMENT STANDARDS SPECIFIC TO JUNIOR ACCESSORY DWELLING UNITS**

- A. A JADU shall be constructed within the walls of a proposed or existing, legally authorized single-family dwelling and must include an existing, legally permitted bedroom from the primary dwelling. The residence shall not be part of a duplex, or other multi-family development.
- B. A JADU may include separate sanitation facilities or may share sanitation facilities with the primary dwelling.
- C. The property owner must reside within either the JADU or the primary dwelling. JADUs shall not be rented for terms less than 30 days.
- D. For purposes of setbacks and other zoning regulations, a JADU in new construction shall be considered to be a part of the principal dwelling of subject site and shall be subject to the same requirements of the underlying zoning district. But JADUs shall be allowed within an existing, nonconforming, single-family dwelling.
- E. The floor area of a JADU shall not exceed 500 square feet.
- F. A JADU shall have a separate exterior entry from the main entrance to the primary dwelling, which shall be provided to serve the JADU only.
- G. A JADU shall include an efficiency kitchen that includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the JADU. In addition, the efficiency kitchen is limited to the following components:
  1. A sink with a maximum area of two square feet and with a maximum drain line diameter of one and one-half inches;
  2. Food preparation appliances that do not require electrical service greater than 120 volts nor natural or propane gas;



H. No additional off-street parking is required for a JADU.

**Section 17.54.090 –ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT PERMITTING PROCEDURES**

- A. Submittal: Applications for ADUs and JADUs shall be submitted to the City Clerk's Office on a City of Trinidad ADU Application. All required information must be submitted before the application is considered complete.
- B. Fees: Fees for ADU permits shall be set by resolution of the City Council. Fees shall be based on the costs incurred to issue the permit, including costs for adopting and amending the ADU ordinance commensurate to individual permits.
- C. Timing for ADUs and JADUs meeting all the applicable standards of the LCP, including §§ 17.54.040 – 17.54.080 as applicable and that do not require OWTS modifications:
  - 1. The City shall act on the application for an ADU Permit within 60 days from the date the local agency receives a completed application if there is an existing dwelling on the lot. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City shall delay acting on the ADU Permit until the City acts on the permit application to create the new single-family dwelling and all appeal periods have ended, but the ADU Permit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.
  - 2. If the City does not act within the specified time period or extension thereof, the applicant may seek remedy to resolve the undecided permit request as set forth in California Government Code § 65956. The date of the actual filing of the application for the purposes of this Chapter shall be the date of the environmental determination as required by local and state environmental review procedures.
  - 3. Failure to act – notice.
    - a. Notification by Applicant. If the City has failed to act on an application within the time limits set forth in Government Code §§ 65950 – 65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code §§ 65950 – 65957.1 shall notify, in writing, the City and, if a CDP was required, 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.
    - b. Notification by City. When the City determines that the time limits established pursuant to Government Code §§ 65950 – 65957.1 or Government Code § 65852.2 for an ADU or a JADU have expired, the City shall, within seven (7)

- calendar days of such determination, notify any person entitled to receive notice pursuant to Title 14, California Code of Regulations § 13571(a) that the application has been approved by operation of law pursuant to Government Code §§ 65950 – 65957.1 and, if applicable, the application may be appealed to the Coastal Commission pursuant to § 17.72.100. This Section shall apply equally to a City determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.
4. When an application for a coastal development permit has been deemed approved by failure to act, such approval shall be subject to the notice requirements of § 17.72.130 or, for coastal development ministerial permits, the notice requirements of § 17.54.100.
- D. ADU Permits: Permits for ADUs and JADUs that meet all the applicable standards of the LCP, including §§ 17.54.040 – 17.54.080 as applicable, and that do not require OWTS modification(s), will be granted ministerially by the Zoning Administrator in accordance with § 17.54.100. Other ADUs and JADUs shall be permitted as specified in § 17.54.030.
- E. Issuance: An ADU permit shall only be issued for an ADU or JADU if the application conforms to all the applicable standards of the LCP, including the regulations contained in this Chapter, and only after the Zoning Administrator makes the three findings below. If a CDP is required, the ADU Permit will be deemed approved upon issuance of the CDP.
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.
  2. The ADU will not have negative impacts on coastal resources or public access.
  3. The ADU is consistent with applicable policies and regulations, including this Chapter, and other requirements of the certified LCP.

#### **Section 17.54.100 – MINISTERIAL COASTAL DEVELOPMENT PERMITS**

- A. Purpose. The purpose of this section is to provide for the ministerial issuance of CDPs for ADUs that meet all of the requirements specified in §§ 17.54.040 – 17.54.070.
- B. Approval. The Zoning Administrator or their designee may approve a ministerial CDP without the requirement of a public hearing. Any ministerial CDP approved by the Zoning Administrator or their designee for an ADU located in an area within the appeal jurisdiction of the California Coastal Commission shall contain a statement

that the permit will not be effective until the appeal period to the California Coastal Commission has expired and no appeal has been filed.

C. Appeals. A public hearing is not required for ministerial CDPs, and they are not appealable to the Planning Commission or City Council. For development located within the appeal jurisdiction of the California Coastal Commission, ministerial CDPs are appealable to the Coastal Commission in accordance with Coastal Commission regulations.

D. Noticing.

1. Ten days prior to action on a ministerial CDP, the applicant must post, at a conspicuous place, easily read by the public, and as close as possible to the site of the proposed development, notice using a form provided by the City.
2. Notice that the Zoning Administrator or their designee intends to approve a ministerial CDP shall be posted in three public places within the city and mailed at least ten (10) calendar days prior to issuance by first class mail to:
  - a. The applicant;
  - b. All property owners within one hundred (100) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site where it can be reasonably determined.
  - c. Any person who specifically requested, in writing, notice of such action; and
  - d. The Coastal Commission.

E. Content of Notice. The notice shall contain the following information:

1. A statement that the development is within the coastal zone;
2. The date of filing of the application and the name of the applicant;
3. The file number assigned to the application;
4. A description of the development and its proposed location;
5. The date on which the ministerial coastal development permit will be deemed approved; and
6. If the development is located in an area that is subject to the appeal jurisdiction of the California Coastal Commission, disclosure that the permit is appealable to the California Coastal Commission.

F. Final Action. A decision on a ministerial CDP application shall not be deemed complete until the decision has been made and all required findings have been adopted.

G. Notice of Final Action. Notice shall be mailed within ten (10) calendar days of final action by first class mail to:

1. The applicant;
2. Any person who specifically requested, in writing, notice of such final action;
3. The Coastal Commission; and
4. The County Assessor.

H. Effective Date.

1. Decisions of the approving authority on an application for a development that is appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is deficient and does not contain information pursuant to § 17.54.100.E, the permit decision will be stayed and shall become final ten (10) working days after a corrected notice of final action meeting the requirements of § 17.54.100.E is received by the Coastal Commission pursuant to § 17.54.100.G and no appeal has been filed.
2. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective following the action of the approving authority to approve or deny the ministerial CDP.

### **Section 17.54.110 - EXISTING ADU's**

#### **A. Nonconforming ADU's**

1. Legal, nonconforming (i.e., legally established prior to the certification of the City's Zoning Ordinance in 1980) ADU's shall maintain their nonconforming status and shall be subject to all the nonconforming regulations in chapter 17.64 of the Trinidad Zoning Ordinance, unless an ADU permit is approved for that unit pursuant to this chapter. If such permit is granted, then the ADU shall no longer be considered nonconforming and shall be subject to all the regulations and requirements of this chapter.
2. Legal, nonconforming ADU's are required to maintain their Onsite 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 either modifications to the OWTS or restrictions on water use and occupancy should be required as conditions of the OWTS operating permit subject to any other applicable permit requirements.

#### **B. Illegal ADU's**

1. Owners of illegal ADU's, those that were constructed or converted after 1980 without Planning Commission approval of a coastal development permit and any other applicable permits, have a three-year grace period from the date of the certification of this ordinance by the Coastal Commission in which to apply for an ADU permit pursuant to this Chapter without penalty. In addition to meeting the development standards of this chapter or receiving approval of any applicable permits, they must also conform to the following requirements:
  - a. The ADU must meet all other applicable regulations and requirements of the Trinidad Municipal Code and Local Coastal Program.
  - b. ADUs must be inspected by the City Building Inspector and upgraded for compliance with health and safety requirements as ordered by the Building Inspector, which may require building permits and fees.
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 owner shall apply for an after-the-fact permit in accordance with this Chapter and any other applicable regulations, subject to applicable penalties. Otherwise, the City shall immediately begin Nuisance Abatement against the property.
3. Any illegal ADU that cannot meet the standards of this chapter, the certified LCP and other applicable regulations shall not be utilized as an ADU and remedial or enforcement action shall be taken to bring the property into conformance with the LCP and other applicable regulations.

**ORDINANCE 2022-XX, SECTION 3:**

Chapter 17.28 shall be amended as follows:

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. Keeping of no more than four household pets on each lot;
- C. 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;
- D. Home occupations as provided in TMC 17.56.060;

E. ADUs and JADUs as provided in Chapter 17.54.

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 plus one ADU and one JADU per lot subject to the requirements of Chapter 17.54.

**ORDINANCE 2022-XX, SECTION 4:**

Chapter 17.32 shall be amended as follows:

17.32.020 Principal permitted uses.

Principal permitted uses are:

A. Single-family dwelling, subject to the requirements of TMC 17.32.090;

B. Home occupation, as provided in TMC 17.56.060;

C. ADUs and JADUs as provided in Chapter 17.54.

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 plus one ADU and one JADU per lot subject to the requirements of Chapter 17.54.

**ORDINANCE 2022-XX, SECTION 5:**

Chapter 17.36 shall be amended as follows:

**A new section 17.36.015 is hereby added to the Trinidad Municipal Code as follows:**

17.36.015 Principal permitted uses.

A. ADUs and JADUs as provided in Chapter 17.54.

**Section 17.36.040 of the Trinidad Municipal Code is hereby amended as follows:**

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. Regardless of the lot size, one ADU and one JADU shall be allowed per lot subject to the requirements of Chapter 17.54.

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.

**ORDINANCE 2022-XX, SECTION 6:**

Section 17.56.108 shall be amended as follows:

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. ADUs and JADs: as provided in Chapter 17.54:

54. 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;

65. Restaurant, lounge: one space for each four seats or 200 square feet of gross floor area, whichever is the largest;

76. Drive-in restaurant: one space per 100 square feet of gross floor area;

87. 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;

98. 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: 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 development zones.

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 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; 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 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 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.

#### **ORDINANCE 2022-XX, SECTION 6:**








Section 17.60.030 shall be amended as follows:



**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. Approval need not be obtained for remodeling that does not affect the external profile or appearance of an existing structure. Approval need not be obtained for ADUs and JADUs that meet all applicable standards of TMC §§ 17.54.040 – 17.54.080the Trinidad LCP, including TMC §§ 17.54.040 – 17.54.080. 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 coastal development permit 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].

# EXPLANATION

-  **POTENTIAL MINISTERIAL ADU CDP'S**
-  **BLUFF EDGE BUFFER (125')**
-  **SOIL STABILITY BUFFER (100')**
-  **LOCAL JURISDICTION / ADMINISTRATIVE CDP'S**
-  **APPEAL AREA**
-  **INLAND**
-  **CITY LIMITS**

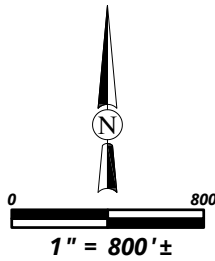
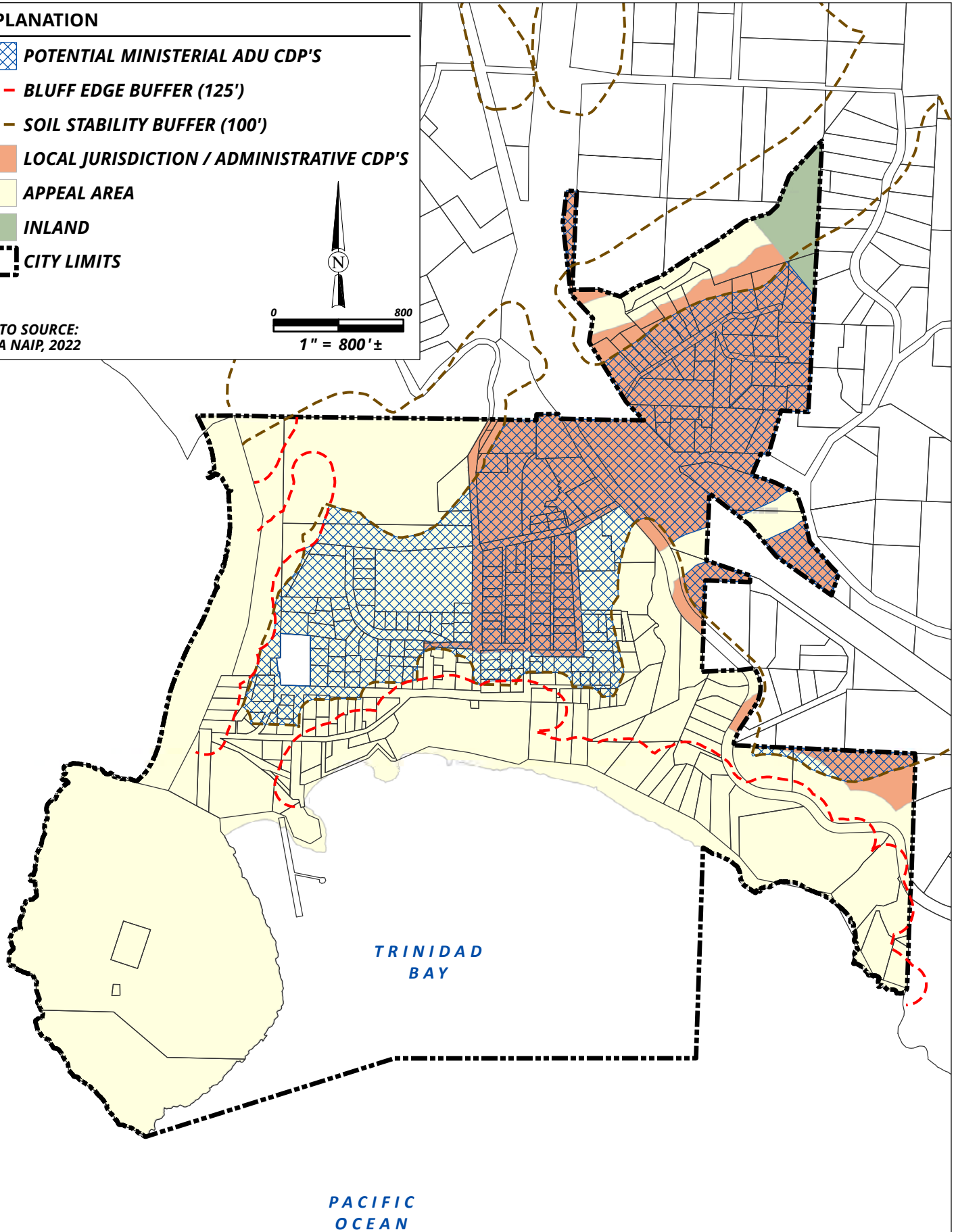


PHOTO SOURCE:  
USDA NAIP, 2022



City of Trinidad  
Accessory Dwelling Units  
Trinidad, California

ADU Ministerial Permits

September 2023 - 016105.001

Figure

**1**

**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2421  
VOICE (415) 904-5200  
FAX (415) 904-5400



To: Planning Directors of Coastal Cities and Counties  
From: John Ainsworth, Executive Director, California Coastal Commission  
Date: January 21, 2022

**RE: Updates Regarding the Implementation of New ADU Laws**

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## I. Introduction

California's ongoing housing crisis continues to exacerbate housing inequity and affordability, especially in the coastal zone. To address this critical issue, the state Legislature has enacted a number of laws in the last several years that are designed to reduce barriers to providing housing and to encourage construction of additional housing units in appropriate locations. To this end, the 2019 legislative session resulted in a series of changes to state housing laws that facilitate the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), which can help provide additional housing units that can be more affordable than other forms of market rate housing. Importantly, the changes did not modify existing provisions of state housing law that explicitly recognize that local governments must still abide by the requirements of the Coastal Act, and by extension, Local Coastal Programs (LCPs). Thus, provisions on coastal resource protection must be incorporated into the planning and development process, and into updated LCP J/ADU requirements, when considering J/ADUs in the coastal zone.

The Coastal Commission strongly encourages local governments to update their LCPs with J/ADU provisions in a manner that harmonizes the State's housing laws with the Coastal Act. Doing so would protect the State's coastal resources while also reducing barriers to constructing J/ADUs and helping to promote more affordable coastal housing.

The Coastal Commission has previously circulated three memos to assist local governments with understanding how to carry out their Coastal Act obligations while also implementing state requirements regarding the regulation of J/ADUs. These memos have raised some questions for local governments, including the manner in which they are to be understood together. In order to address this issue, and to reflect lessons learned regarding J/ADU regulation in the coastal zone in the past few years, this updated memo supersedes and replaces these prior memos. This updated memo also elaborates on the changes to state housing laws that went into effect on January 1, 2020 and provides further information to help local governments harmonize these laws with the Coastal Act. This memo will briefly discuss the authority that the Coastal Act grants the Commission and local governments over housing in the coastal zone, new legislation regarding J/ADUs, how local governments can streamline J/ADU applications under the Coastal Act, and some key issues that should be considered when LCP amendments for J/ADU

provisions are undertaken. This memo is intended to provide general guidance for local governments with fully certified LCPs. The Coastal Commission is responsible for Coastal Act review of J/ADUs in most areas that are not subject to a fully certified LCP. Local governments that have questions about specific circumstances not addressed in this memo should contact the appropriate district office of the Commission.

## II. Coastal Act Authority Regarding Housing in the Coastal Zone

The Coastal Act has a variety of provisions directly related to housing. Relevant here, the Coastal Act does not negate local government compliance with state and federal law “with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted.” (Pub. Res. Code § 30007.) The Coastal Act also requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households (Pub. Res. Code § 30604(f)) but states that “[n]o local coastal program shall be required to include housing policies and programs. (Pub. Res. Code § 30500.1.) Finally, new residential development must be “located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it” or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.)

While the Commission does not currently have the explicit authority to provide or protect affordable housing in the coastal zone, the Commission has continued to preserve existing density and affordable housing whenever possible, including by supporting and encouraging the creation of J/ADUs. The creation of new J/ADUs in existing residential areas is one of many strategies that aims to increase the housing stock, including creating additional housing units of a type and size that can be more affordable than other forms of housing in the coastal zone, in a way that may be able to avoid significant adverse impacts on coastal resources.

## III. Overview of New Legislation

As of January 1, 2020, [AB 68](#), [AB 587](#), [AB 881](#), [AB 670](#), [AB 671](#), and [SB 13](#) collectively updated existing Government Code Sections 65852.2 and 65852.22 concerning local government review and approval of J/ADUs, and as of January 1, 2021, AB 3182 further updated the same laws, with the goal of increasing statewide availability of smaller, and potentially more affordable, housing units. Importantly, some of the changes affect local governments in the coastal zone and are summarized below.

- Local governments continue to have the discretion to adopt J/ADU provisions that are consistent with state law, and they may include specific requirements for protecting coastal resources and addressing issues such as design guidelines and protection of historic structures.
- Outside of an LCP context, existing or new J/ADU provisions that do not meet the requirements of the new legislation are null and void and will be substituted with the

provisions of Section 65852.2(a) until the local government comes into compliance with new provisions. (Gov. Code § 65852.2(a)(4).) However, existing J/ADU provisions contained in certified LCPs are not superseded by Government Code Section 65852.2 and continue to apply to Coastal Development Permit (CDP) applications for J/ADUs until the LCP is modified. Coastal jurisdictions without any J/ADU provisions or with existing J/ADU provisions that were adopted prior to January 1, 2020 are encouraged to update their LCPs to comply with the State's new laws. Such new or updated LCP provisions need to ensure that new J/ADUs will protect coastal resources in the manner required by the Coastal Act and LCP, including, for example, by ensuring that new J/ADUs are not constructed in locations where they would require the construction of shoreline protective devices, in environmentally sensitive habitat areas and wetlands, or in areas where the J/ADU's structural stability may be compromised by bluff erosion, flooding, or wave uprush over the structure's lifetime.

- A major change to Section 65852.2 is that the California Department of Housing and Community Development (HCD) now has an oversight role to ensure that local J/ADU provisions are consistent with state law. If a local government adopts an ordinance that HCD deems to be non-compliant with state law, HCD can notify the Office of the Attorney General. (Gov. Code § 65852.2(h)(3).) To ensure a smooth process, local governments should submit their draft J/ADU provisions to HCD and Coastal Commission staff to review for housing law and Coastal Act consistency before they are adopted locally and should continue to foster a three-way dialogue regarding any potential issues identified. Additionally, Coastal Commission and HCD staff meet regularly to discuss and resolve any issues that arise in the development of J/ADU provisions in the coastal zone. The Commission continues to prioritize J/ADU LCP amendments, and some may qualify for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); 14 Cal. Code Regs. § 13554.)
- In non-coastal zone areas, local governments are required to provide rapid, ministerial approval or disapproval of applications for permits to create J/ADUs, regardless of whether the local government has adopted updated J/ADU provisions. (Gov. Code § 65852.2(a)(3).) In the coastal zone, CDPs are still necessary in most cases to comply with LCP requirements (see below); however, a local public hearing is not required, and local governments are encouraged to streamline J/ADU processes as much as feasible.

Other recent legislative changes clarify that local J/ADU provisions may not require a minimum lot size; owner occupancy of an ADU (though if there is an ADU and a JADU, one of them must be owner-occupied); fire sprinklers if such sprinklers are not required in the primary dwelling; a maximum square footage of less than 850 square feet for an ADU (or 1,000 square feet if the ADU contains more than one bedroom); and in some cases, off-street parking. Section 65852.2(a) lists additional mandates for local governments that choose to adopt a J/ADU

ordinance, all of which set the “maximum standards that local agencies shall use to evaluate a proposed [ADU] on a lot that includes a proposed or existing single-family dwelling.” (Gov. Code § 65852.2(a)(6).) As indicated above, in specific cases coastal resource considerations may negate some such requirements, but only when tied to a coastal resource impact that would not be allowed under the Coastal Act and/or the LCP. In recent LCP amendments, these types of considerations have most often arisen in terms of the off-street parking provisions (see below).

## IV. General Guidance for Reviewing J/ADU Applications

The following section lays out the general permitting pathway in which local governments can process J/ADU applications in a manner that is consistent with Coastal Act requirements and LCP provisions.

### 1) Check prior CDP history for the site.

Determine whether a CDP or other form of Coastal Act/LCP authorization was previously issued for development of the site and whether that CDP and/or authorization limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Coastal Commission district office if a Commission-issued CDP and/or authorization affects the applicant’s ability to apply for a J/ADU.

### 2) Determine whether the proposed J/ADU constitutes “development.”

As defined by the Coastal Act, development refers to both “the placement or erection of any solid material or structure” on land as well as any “change[s] in the density or intensity of use of land[.]” (Pub. Res. Code § 30106.) Most J/ADUs constitute development if they include, for example, new construction of a detached ADU, new construction of an attached J/ADU, or conversion of an existing, uninhabitable, attached or detached space to a J/ADU (such as a garage, storage area, basement, or mechanical room). The construction of new structures constitutes the “placement or erection of solid material,” and the conversion of existing, uninhabitable space would generally constitute a “change in the density or intensity of use.” Therefore, these activities would generally constitute development in the coastal zone that requires a CDP or other authorization. (Pub. Res. Code § 30600.)

Unlike new construction, the conversion of an existing, legally established habitable space to a J/ADU within an existing residence, without removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.), and which does not change the intensity of use of the structure, may not constitute development within the definition in the Coastal Act. An example of a repurposed, habitable space that may not constitute new development (and thus does not require Coastal Act or LCP authorization) is the conversion of an existing bedroom within a primary structure.

*Previously circulated Commission J/ADU memos (being superseded and replaced by this memo) indicated that construction or conversion of a J/ADU contained within or directly attached to an existing single-family residence (SFR) may qualify as development that was exempt from the requirement to obtain a CDP. Specifically, the Coastal Act and the Commission's implementing regulations identify certain improvements to existing SFRs that are allowed to be exempted from CDP requirements (Pub. Res. Code § 30610(a); 14 Cal. Code Regs § 13250.) Although the Commission has previously certified some LCP amendments that permitted certain exemptions for such ADU development, in a recent action, the Commission reevaluated its position and found that "the creation of a self-contained living unit, in the form of an ADU, is not an 'improvement' to an existing SFR. Rather, it is the creation of a new residence. This is true regardless of whether the new ADU is attached to the existing SFR or is in a detached structure on the same property." <sup>1</sup> On this basis, and based on the finding that a variety of types of J/ADUs—including both attached and detached J/ADUs—could have coastal resource impacts that make exemptions inappropriate, it rejected the local government's proposed exemptions for certain J/ADUs. Local governments considering updating LCP J/ADU provisions should consider the Commission's recent stance regarding exemptions for ADUs and may work with Commission staff to determine the best way to proceed on this issue.*

**3) If the proposed J/ADU constitutes development, determine whether a CDP waiver or other type of expedited processing is appropriate.**

If a local government's LCP includes a waiver provision, and the proposed J/ADU meets the criteria for a CDP waiver, the local government may issue a CDP waiver for the proposed J/ADU. The Commission has generally allowed a CDP waiver for proposed J/ADUs if the Executive Director determines that the proposed development is de minimis (i.e., it is development that has no potential for any individual or cumulative adverse effect on coastal resources and is consistent with all Chapter 3 policies of the Coastal Act). Such a finding can typically be made when the proposed J/ADU project has been sited, designed, and limited in such a way as to ensure any potential impacts to coastal resources are avoided (such as through habitat and/or hazards setbacks, provision of adequate off-street parking to ensure that public access to the coast is not impacted, etc.). (See Pub. Res. Code § 30624.7.) Projects that qualify for a CDP waiver typically allow for a reduced evaluation framework and streamlined approval.

Most, if not all, LCPs with CDP waiver provisions do not allow for waivers in areas where local CDP decisions are appealable to the Coastal Commission. There have been a variety of reasons for this in the past, including that the Commission's regulations require that local governments hold a public hearing for all applications for appealable development (14 Cal. Code Regs § 13566), and also that development in such areas tends to raise more coastal resource concerns and that waivers may therefore not be appropriate. However, under the state's J/ADU provisions, public hearings are not required for qualifying development.

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<sup>1</sup> See Coastal Commission [staff report](#), pp. 16-17 (Commission acted on this item on December 17, 2021).



Because of this, the above-described public hearing issue would not be a concern, so it could be appropriate for LCPs to allow CDP waivers in both appealable and non-appealable areas at least related to this criterion. Local governments should consult with Commission staff should they consider proposing CDP waiver provisions in their LCP. Any LCP amendment applications that propose to allow waivers in appealable areas should ensure that there are appropriate procedures for notifying the public and the Commission regarding approvals of individual, appealable waivers (such as Final Local Action Notices) so that the proper appeal period can be set, and any appeals received are properly considered.

The Coastal Act also provides for other streamlined processing for certain types of development, including for minor development. (Pub. Res. Code § 30624.9.) In certain cases, categories of development can also be excluded from CDP requirements if certain criteria are met (see box). In any case, local governments without such CDP waiver and other processing and streamlining tools are encouraged to work with Commission staff to amend their LCP to include such measures.

*Coastal Act section 30610(e) allows certain categories of development that are specified in Commission-approved Categorical Exclusion (Cat Ex) Orders to be excluded from CDP requirements, provided that the category of development has no potential for any significant adverse effect, either individually or cumulatively, on coastal resources. (See also 14 Cal. Code Regs §§ 13240 et seq.)*

*Cat Ex Orders apply to specific types of development within identified geographical locations. For example, the Commission may approve a Categorical Exclusion for J/ADUs that would normally require a CDP (i.e., it is defined as development) because that specific development type in that specific geographic area can be demonstrated to not result in individual and/or cumulative coastal resource impacts. Cat Ex Orders are prohibited from applying to: tide and submerged lands; beaches; lots immediately adjacent to the inland extent of any beach; lots immediately adjacent of the mean high tide line of the sea where there is no beach; and public trust lands.*

*Cat Ex Orders provide another potential means of streamlining J/ADU consideration, and interested local governments should consult with Commission staff if they intend to propose such an Order. Cat Ex Orders are processed separately from LCP amendments, require a 2/3 vote of the Commission to be approved, and are typically subject to conditions. Once approved, the local government is responsible for reviewing development that might be subject to the Cat Ex Order and is typically required to report any exclusions applied pursuant to the Order to the Commission for review by the Executive Director and for an appeal period before they can become effective. It is important to note that while Cat Ex Orders can be a powerful tool if approved, the Commission must be able to conclude that the specific category of development in a specific geographic area has no potential for any significant adverse coastal resources impacts in order to approve one. Thus, the local government pursuing a Cat Ex Order must provide supporting documentation and evidence that can conclusively show that to be the case.*



#### 4) If a full CDP is required, review CDP application for consistency with certified LCP requirements.

If a proposed J/ADU constitutes development and cannot be processed as a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act. The local government must then provide the required public notice for any CDP applications for J/ADUs and process the application pursuant to LCP requirements, but should process it within the time limits contained in the ADU law, if feasible. However, local governments are not required to hold a public hearing on CDPs for ADUs. (Gov. Code § 65852.2(l).) Once the local government has issued a decision, it must send the required final local action notice to the appropriate district office of the Commission. If the CDP is appealable, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Res. Code § 30603.)

## V. Key Considerations

Per Government Code Section 65852.2, subd. (l), known as the Coastal Act Savings Clause, the State's new ADU requirements shall not be "construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976." There are a number of key issues that local governments should account for in order to ensure their LCP J/ADU provisions are consistent with the requirements in the Coastal Act. This section addresses some of the key issues that the Commission has dealt with recently, including public coastal access parking requirements and protection of sensitive habitats and visual qualities. Local governments are encouraged to contact their local Coastal Commission district office for further assistance.

### Protection of public recreational access in relation to parking requirements

Government Code Section 65852.2 requirements regarding parking for J/ADUs are as follows:

- a. One parking space is required per unit or per bedroom, whichever is less. The parking space can be a tandem space in an existing driveway.
- b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, no replacement parking space(s) are required.

However, Section 65852.2 further stipulates that the parking requirements listed above do not apply to ADUs constructed:

- a. Within ½ mile walking distance of public transportation stops/routes;
- b. Within a historic district;
- c. Within a primary residence or accessory structure;
- d. When on-street parking permits are required but not offered to the occupant of the ADU;

- e. And where a car-share vehicle is located within one block of the ADU.

Thus, the Government Code limits the circumstances when a local government can require a J/ADU project to address its parking needs onsite. This is a departure from most local government parking requirements which often explicitly specify the number of off-street parking spaces that must be provided onsite in any particular development, including residential development. The potential outcome is that private residential J/ADU parking needs can be shifted onto adjacent public streets. At the same time, the Coastal Act contains objectives and policies designed to protect and provide for maximum coastal access opportunities, which includes maintaining sufficient public coastal parking, including as implemented through LCP off-street parking provisions. The addition of J/ADUs may interfere with coastal public street parking availability if, for example, a garage is converted to a J/ADU and parking is not replaced onsite, in addition to the J/ADU parking demand itself. The Commission has often found that when private residential parking needs are not accommodated onsite, it can lead to increased use of on-street parking to address such needs, thereby reducing the availability of on-street parking to the general public. This may adversely affect public coastal access if it occurs in high visitor-serving areas and/or areas with significant public recreational access opportunities, and where on-street parking is heavily used. The result will be that the general public could be displaced from on-street parking by J/ADU parking needs, which may violate the Coastal Act's requirements to protect, provide, and maximize public coastal access and recreational opportunities. In many impacted coastal neighborhoods, development patterns over the years have not adequately accounted for off-street parking needs, and adding J/ADU parking to the mix will only exacerbate such public parking difficulties. Additionally, because general on-street parking is typically free or lower cost compared to other public parking facilities, J/ADU construction may also interfere with maintaining lower cost coastal access for all.

In order to avoid conflicts regarding parking requirements for J/ADUs as they may impact public access, local governments are encouraged to work with Commission staff to identify or map specific neighborhoods and locations where there is high visitor demand for public on-street parking needed for coastal access and to specify parking requirements for each such area that harmonizes Government Code requirements with the Coastal Act (and any applicable LCP policies). These maps can denote areas that supply important coastal public parking and access opportunities, and require that J/ADU development in these areas ensure that private residential parking needs are accommodated off-street. Importantly, such upfront LCP mapping and provisions allow the local government to address impacts to public access and parking supply without the need for a protracted, or even necessarily a discretionary, decision. The Commission has previously found that local governments may include specific off-street parking requirements for J/ADUs constructed in these locations and may also require maintenance of all off-street parking for the primary residence (see examples below). However, harmonizing the distinct priorities between the Coastal Act's protection of public coastal access and the J/ADU provisions on parking requirements will require a case-by-case consideration of the specific circumstances of each jurisdiction.

## Protection of sensitive habitats and visual qualities; avoidance of hazards

While most J/ADU projects take place within established residential neighborhoods where potential coastal resource impacts are fairly limited, there can be cases where such projects may affect significant coastal resources, such as sensitive habitats and shorelines and beaches. As a general rule, LCPs include many provisions protecting such resources, and it is important that proposed J/ADU provisions are not structured to undo any such LCP protections that already apply. J/ADUs may need to be reviewed for specific siting and design standards, particularly in visually sensitive areas (such as the immediate shoreline, between the first public road and the sea, near LCP-designated scenic areas, etc.). Similarly, where sensitive habitat may be present, J/ADUs must be reviewed for impacts to such habitat, including with respect to fuel modification for defensible space. Additionally, local governments should include provisions for J/ADUs constructed in areas vulnerable to sea level rise and other coastal hazards which ensure not only that these structures will meet all LCP requirements for new development to be safe from such hazards, but that also addresses the need for future sea level rise adaptations (including future accommodation or removal, risk disclosure conditions on the J/ADU, and any other risk-related issues dealt with in the LCP).

## VI. Examples of Recently Updated ADU Provisions in Certified LCPs

A number of local jurisdictions have recently updated their LCPs to include new J/ADU provisions. Coastal Commission staff reports are linked below, which summarize specific issues that arose between Coastal Act requirements and the new J/ADU provisions as well as the necessary changes that were made in order to harmonize each jurisdiction's LCP with the State's housing laws. The suggested modifications shown in the staff reports were all approved by the Coastal Commission.

**[City of Santa Cruz \(approved May 2021\)](#)**. This LCP amendment included clarifying language to address which provisions of the new state housing laws applied to ADUs in the coastal zone of the City of Santa Cruz as well as ensuring that the coastal resource protection provisions of the City's current LCP are maintained. The amendment also addressed specific off-street parking requirements for ADUs sited near significant coastal visitor destinations. The City of Santa Cruz adopted the Commission's modifications in August 2021.

**[City of Pacifica \(approved June 2021\)](#)**. This LCP amendment revised the City's Implementation Plan to incorporate J/ADU provisions that are in line with the updated state housing laws, including streamlined procedures for J/ADU review and permitting processing, providing J/ADU development standards, and crafting tailored modifications to address specific public access parking needs in key visitor destination areas. The City of Pacifica adopted the Commission's modifications in August 2021.

**[County of San Mateo \(approved July 2021\)](#)**. This LCP amendment incorporated more specific ADU regulations relating to size limits, maximum number of J/ADUs permitted per lot, streamlined review and process of J/ADU permits, and parking availability in areas that are

significant coastal visitor destinations. The County of San Mateo adopted the Commission's modifications in September 2021.

**City of Encinitas (approved August 2021).** The Coastal Commission approved revisions to the City of Encinitas' Implementation Plan that updated existing definitions for ADUs and JADUs and clarified development standards for accessory units, including standards for size, height, and setbacks.

**City of Santa Barbara (approved December 2021).** The Coastal Commission approved Commission staff's revision of the City of Santa Barbara's LCP amendment submittal addressing updated ADU provisions to be consistent with state housing laws. The amendment revised J/ADU terms and definitions, building standards, parking requirements, and permitting review and processing procedures. The staff report included modifications that address the CDP exemption issue (discussed above).

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## **DISCUSSION AGENDA ITEM 6**

### **SUPPORTING DOCUMENTATION ATTACHED**

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6. Consider Update of City Dog Ordinance.

## AGENDA ITEM: Consider Update of City Dog Ordinance

Date: February 13, 2024

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### ANALYSIS:

The City would like to consider revising and updating our Dog Ordinance. Last year, Animal Control had to use the State Law to supplement our ordinance since it did not provide a method for a Hearing of a Vicious Dog. The City was waiting for the County to update its ordinance, but we were recently informed that it will be delayed. Attached is a copy of the City's Municipal Code on Dogs and the current County Code on Vicious, Potentially Dangerous and Public Nuisance Dogs.

In the past year, the City has:

- Posted Leash Law Signs around town;
- Sent a letter to all residents on proper dog etiquette including the use of leashes and dog licenses;
- Considered a Radio Ad campaign to notify visitors of the City's leash law and other useful information;
- Set up a seasonal leash lending library.

### ACTION:

Suggest possible revisions to the City's Dog Ordinance including the addition of a Hearing Process for vicious dogs.

(or) Do not update the City's Dogs Ordinance until the County updates their code on dogs.

### ATTACHMENTS:

Trinidad Municipal Code Chapter 6.04: Dogs

Humboldt County Code Chapter 7: Vicious, Potentially Dangerous and Public Nuisance Dogs

[Print](#) | [Close Window](#)**Subject:** it's illegal**From:** Maria C Bartlett <maria.bartlett@humboldt.edu>**Date:** Tue, Feb 06, 2024 5:19 pm**To:** Trinidad City Clerk <cityclerk@trinidad.ca.gov>**Cc:** Ted Pease <ted.pease@gmail.com>, "Cindy & Richard Johnson" <bball185@gmail.com>, penne ogara <penne.ogara@gmail.com>, Kym Frame <kymberlee63@gmail.com><https://www.quora.com/Is-it-illegal-to-have-a-dog-off-leash-at-the-beach-in-California>

Gabe, Again, we have off leash dog issues. Yesterday, Monday the 5th, at the trailhead at the Marine Lab, a gray brindl Great Dane mix was coming at me and my small dog, off leash. Minutes later the owner emerges and leashes the dog. This is harrowing. It looks as though they were accompanying the gal who lives east of Dwight & Laraine, who owns a pug, who was also off leash. I went to their house today but no one was home. I plan to have a friendly conversation with her but this is all too much, especially today getting the article from Ted about the guy who had his face taken off by the same dog, formerly in Trinidad, that took his fingertip off! What is it going to take for this town to put some teeth in the dog leash ordinance? My dog has been attacked twice in town by German shepherds. I am afraid to walk the trails, the Head or the beach. There was the incident of the Akita attacking a guy's dog who lives/lived in the trailer park. And for crissakes, Ted and his dog and wife were attacked on the streets of Trinidad. And let's not forget the hideous incident with Kathryn Burleson and her dog Emma, attacked by 10 poodles at State Beach. Please note the above that it is ILLEGAL for unleashed dogs to be on the beaches in California!!!!

My suggestions: any new and current residents need to be up to date on dog tags, pay the dog fees for town, the breed should be recorded, and info regarding the leash law handed out. Any "incidents" need immediate attention, and clearly, follow up. This is the second time that I have seen the pug without a leash and the dog is aggressive with mine. Full disclosure, Tuffy feels the same! If it happens again I will ask the City to give a warning. Then I would hope a fine is imposed. How about signs with the FINES posted????!!

Please include this as a letter for the meeting on the 13th when this item is on the agenda.

Many thanks,

Maria Bartlett & Tuffy 🐾🐾🐾

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## **Title 6 ANIMALS**

### **Chapters:**

- 6.04 Dogs**
- 6.05 Public Nuisance Animals**
- 6.06 Dog Prohibitions**

### **Chapter 6.04 DOGS**

#### **Sections:**

- 6.04.010 Short title.**
- 6.04.020 Definitions.**
- 6.04.030 Vicious dog – Investigation.**
- 6.04.040 Vicious dog – Destruction.**
- 6.04.050 Confinement of dogs to owner’s premises.**
- 6.04.060 Confinement of dogs in heat.**
- 6.04.070 Vaccination of pups.**
- 6.04.080 Dogs at large on school grounds.**
- 6.04.090 Transportation of dogs within city.**
- 6.04.100 Right of entry.**
- 6.04.110 Interference with enforcement.**
- 6.04.120 Animal control officer.**
- 6.04.130 License – Vaccination.**
- 6.04.140 License – Required.**
- 6.04.150 License – Tax – Payment.**



- 6.04.160 License – Failure to pay tax – Penalties.**
- 6.04.170 License – Duty to collect.**
- 6.04.180 License – Refunds.**
- 6.04.190 License – Issuance.**
- 6.04.200 License – Contents.**
- 6.04.210 License – Expiration.**
- 6.04.220 License – Records.**
- 6.04.230 License – Seeing eye dog.**
- 6.04.240 Tag – Contents.**
- 6.04.250 Tag – Duplicates.**
- 6.04.260 Tag – Display.**
- 6.04.270 Tag – To be attached only to licensed dog.**
- 6.04.280 Tag – Removal.**
- 6.04.290 Tag – Counterfeits.**
- 6.04.300 Exceptions.**
- 6.04.310 Impoundment – Authorization.**
- 6.04.320 Impoundment – Licensed dog – Notice to owner.**
- 6.04.330 Impoundment – Unlicensed dog – Notice to owner.**
- 6.04.340 Impoundment – Right to redeem.**
- 6.04.350 Impoundment – Disposition.**
- 6.04.360 Impoundment – Fee.**
- 6.04.370 Impoundment – Fee – Exception.**
- 6.04.380 Impoundment – Fee – Increase.**

- 6.04.390 Vaccination – Purpose.**
- 6.04.400 Vaccination – Required.**
- 6.04.410 Vaccination – Minimum age.**
- 6.04.420 Revaccination intervals.**
- 6.04.430 Vaccination – Authority of county officers.**
- 6.04.440 Vaccination – Certificate – Forms and contents.**
- 6.04.450 Vaccination – Duplicates – Certificates.**
- 6.04.460 Vaccination – Certificate – Evidence.**
- 6.04.470 Vaccination – Certificate – Misrepresentation.**
- 6.04.480 Vaccination – False certificate prohibited.**
- 6.04.490 Vaccination – Certificate exhibit.**
- 6.04.500 Violation – Penalty.**

**6.04.010 Short title.**

This chapter shall be referred to as the “dog license ordinance.” [Ord. 88-199 § 1, 1988].

**6.04.020 Definitions.**

Whenever in this chapter the following terms are used they shall be deemed and construed to have the meaning ascribed to them in this section unless it is apparent from the context thereof that a different meaning is intended:

“Animal control officer” means the person charged by this chapter with the administration and enforcement of the provisions hereof and whose employment is provided for herein or otherwise by the city together with such deputies as may be allowed to the animal control officer by the city council.

“At large” means any dog off the premises of the owner and not under the control of the owner or some responsible person either by leash, cord, chain or other physical restraint.

“Impounded” means having been received into the custody of any poundmaster.

Owner. Any person keeping or harboring or having custody or control over any dog for 15 consecutive days shall be deemed to be the owner of such dog within the meaning of this

chapter, except any veterinarian duly licensed and practicing as such and having in his possession or control any dog for the purpose of treatment.

“Primary immunization” means the initial inoculation of a dog with an approved canine rabies vaccine that has been approved for three-year immunity by the Department of Health Services.

“Revaccination” means the inoculation of a dog with an approved canine rabies vaccine that has been approved for three-year immunity by the Department of Health Services.

“Unlicensed dog” means any dog for which the license tax for the current year as provided in this chapter has not been paid or any dog to which the tag provided for in this chapter is not attached.

“Vicious dog” means any dog which has bitten a person or animal without provocation or which has a disposition or propensity to attack or bite any person or animal. [Ord. 88-199 §§ 1, 50, 1988].

#### **6.04.030 Vicious dog – Investigation.**

The animal control officer shall investigate the conditions and behavior of any dog which he has reason to believe is vicious or dangerous and, if he finds such dog to be vicious in its habits, he shall report his findings in writing to the owner of such dog, if the name and whereabouts of such owner are known. [Ord. 88-199 § 2, 1988].

#### **6.04.040 Vicious dog – Destruction.**

Every vicious dog found at large in the city shall be subject to summary destruction. [Ord. 88-199 § 3, 1988].

#### **6.04.050 Confinement of dogs to owner’s premises.**

A. No person shall cause, permit or allow any dog or dogs owned, harbored, controlled or kept by him to be at large away from the premises where the same is or are owned, harbored or kept at any time except in the custody and control of the owner or some responsible person duly authorized by the owner. Any such dog found running at large in violation of this provision may be taken up and impounded and shall be released only after payment of the fees required by the Humane Society of Humboldt County, Inc.

B. This section shall not apply to any official city police dog while on patrol. [Ord. 88-199 § 4, 1988].

#### **6.04.060 Confinement of dogs in heat.**

All unsprayed female dogs shall be strictly confined to the owner’s premises when the dog is in breeding condition. “Strictly confined to the owner’s premises” means that such dog shall be confined in a substantial enclosure the interior of which is accessible only by use of a door,

gate, lid or barricade; provided, that such door, gate, lid or barricade shall be constructed in such a manner so as to prevent access to the interior thereof. [Ord. 88-199 § 4.1, 1988].

**6.04.070 Vaccination of pups.**

All dogs under four months of age shall be confined to the premises of or kept under the physical restraint by the owner, keeper or harborer and such restraint shall continue until a period of 30 days has elapsed after vaccination of the particular dog with an approved anti-rabies vaccine. [Ord. 88-199 § 4.2, 1988].

**6.04.080 Dogs at large on school grounds.**

No owner or other person in charge of or in control of any dog shall permit such dog to be at large upon or near any public school grounds. [Ord. 88-199 § 4.3, 1988].

**6.04.090 Transportation of dogs within city.**

A. No person shall transport or harbor or keep a dog in or upon a motor vehicle or trailer or any public road or highway unless the dog is safely enclosed within the vehicle or trailer or is protected by cross-tying or by a canopy, cage, container, or other device that will prevent the dog from falling from, being thrown from, or jumping from the vehicle or trailer.

B. The provisions of subsection (A) of this section shall not apply to any person actively engaged in performing normal ranching or farming duties, or actively engaged in legal hunting activities.

C. Any person who violates any of the provisions of this section shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of \$25.00 for the first violation; fine of \$50.00 for the second violation; and a fine of \$100.00 for each additional violation of this chapter within one year. [Ord. 85-184 §§ 1 – 3, 1986].

**6.04.100 Right of entry.**

All persons charged with the duty of aiding in the enforcement of this chapter are empowered, and it shall be their duty, to enter upon any private property where any dog is kept, or believed by them or any of them to be kept, for the purpose of ascertaining whether any such dog is kept or otherwise harbored in violation of the provisions of this chapter. [Ord. 88-199 § 5, 1988].

**6.04.110 Interference with enforcement.**

No person shall interfere with, oppose or resist any person charged with the enforcement of this chapter while such person is engaged in the performance of his duties as provided in this chapter. [Ord. 88-199 § 6, 1988].

**6.04.120 Animal control officer.**

The public works officer for the city shall serve as the animal control officer. The public works director may assign the duties of the animal control officer to other persons if he deems such

assignment necessary to the public safety and to ensure the enforcement of the provisions of this chapter. [Ord. 88-199 § 6, 1988].

**6.04.130 License – Vaccination.**

No person shall be issued a license under this chapter unless he has first complied with the provisions of this chapter which provide for vaccination against rabies. [Ord. 88-199 § 10, 1988].

**6.04.140 License – Required.**

It is unlawful for any person to own, keep or harbor any dog over four months of age within the city for a period of time unless they first procure a license therefor. [Ord. 88-199 § 11, 1988].

**6.04.150 License – Tax – Payment.**

The owner of every dog within the incorporated area of the city shall pay annually to the city clerk on or before the first day of July a license tax thereon and shall be required to pay for such license at said time the sum of \$12.00 for each dog, except that any such license shall be issued for the sum of \$5.00 for each dog for whom a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered. A grace period of 30 days shall be allowed in the payment of this license tax. [Ord. 88-199 § 12, 1988].

**6.04.160 License – Failure to pay tax – Penalties.**

For failure to pay a license tax when due, the city clerk shall add on 100 percent penalty in addition to the regular license tax amount, beginning on August 1st of each year, or on the thirty-first day after the dog is brought into the city. [Ord. 88-199 § 13, 1988].

**6.04.170 License – Duty to collect.**

It shall be the duty of the city clerk to collect the license taxes provided for in this chapter. [Ord. 88-199 § 14, 1988].

**6.04.180 License – Refunds.**

No license tax paid by virtue of the provisions of this chapter shall be returned or refunded without the approval of the city clerk. [Ord. 88-199 § 15, 1988].

**6.04.190 License – Issuance.**

It shall be the duty of the city clerk to issue the licenses provided for in this chapter. [Ord. 88-199 § 16, 1988].

**6.04.200 License – Contents.**

Each license issued under this chapter shall state the name and residence address of the person to whom such license is issued, the amount paid therefor, the date when issued, the date on which such license shall expire, and shall contain a description of the dog for which such license is issued, and the number of the metallic tag accompanying such license. [Ord.

88-199 § 17, 1988].

**6.04.210 License – Expiration.**

All dog licenses shall expire on the thirtieth day of June next following their issuance. [Ord. 88-199 § 18, 1988].

**6.04.220 License – Records.**

It shall be the duty of the city clerk to keep a record of each license issued pursuant to this chapter. [Ord. 88-199 § 25, 1988].

**6.04.230 License – Seeing eye dog.**

Any blind person having the custody and control of any seeing eye dog may file an affidavit so stating with the city clerk. Upon receiving the affidavit and a current vaccination certificate, the city clerk shall endorse the license receipt “Blind person – seeing eye dog” and deliver the license without charge. [Ord. 88-199 § 26, 1988].

**6.04.240 Tag – Contents.**

With each license issued under this section, there shall be issued by the city and delivered to the person securing the license a metal tag. The tag shall have imprinted on its face the words: “City of Trinidad” and “Dog License,” and shall also contain the serial number of the license and the expiration date of the license. [Ord. 88-199 § 19, 1988].

**6.04.250 Tag – Duplicates.**

A duplicate of a lost dog license may be procured upon exhibition of the original license and payment of \$0.25 therefor. [Ord. 88-199 § 20, 1988].

**6.04.260 Tag – Display.**

It is unlawful for an owner of any dog to fail or neglect to keep fastened to such dog the tag provided for in this chapter, except while such dog remains indoors or in an enclosed yard or pen. [Ord. 88-199 § 21, 1988].

**6.04.270 Tag – To be attached only to licensed dog.**

It is unlawful for any person to attach any current license tag to any dog other than the dog for which such license tag was originally issued. [Ord. 88-199 § 22, 1988].

**6.04.280 Tag – Removal.**

It is unlawful for any person other than the owner to remove from any dog any tag which has been attached to such dog pursuant to the provisions of this chapter. [Ord. 88-199 § 23, 1988].

**6.04.290 Tag – Counterfeits.**

It is unlawful for any person to counterfeit or imitate any license tag provided for by this chapter or attach a counterfeit or imitation tag to any dog or to possess any such counterfeit tag. [Ord.

88-199 § 24, 1988].

**6.04.300 Exceptions.**

Provisions of this chapter shall not be intended to apply to dogs whose owners are nonresidents, temporarily in the city, nor to dogs brought into the city for the purpose of participating in any dog shows. [Ord. 88-199 § 27, 1988].

**6.04.310 Impoundment – Authorization.**

The animal control officer shall receive, take up and impound at the Humane Society of Humboldt County, Inc., any and all dogs found running at large contrary to the provisions of TMC 6.04.010 through 6.04.300 or in violation of any law of the county or state. [Ord. 88-199 § 30, 1988].

**6.04.320 Impoundment – Licensed dog – Notice to owner.**

Upon impounding a licensed dog, the animal control officer shall immediately give notice to the owner, at the address in the license, of the impounding of such dog. Such notice may be given as provided in this code. [Ord. 88-199 § 31, 1988].

**6.04.330 Impoundment – Unlicensed dog – Notice to owner.**

Upon impoundment of an unlicensed dog, the animal control officer shall immediately give notice to the owner, if known, of the impounding of such dog. [Ord. 88-199 § 32, 1988].

**6.04.340 Impoundment – Right to redeem.**

Any impounded dog, licensed or unlicensed, may be redeemed by the owner thereof by contacting the Humane Society of Humboldt County, Inc., and complying with all the said Humane Society's requirements for redemption of dogs. [Ord. 88-199 § 33, 1988].

**6.04.350 Impoundment – Disposition.**

All dogs impounded in accordance with the provisions of this chapter shall be disposed of in accordance with the rules and regulations of the Humane Society of Humboldt County, as governed by the laws of the county of Humboldt and the state. [Ord. 88-199 § 34, 1988].

**6.04.360 Impoundment – Fee.**

The city may charge those city residents who own dogs that may be impounded at the Humane Society of Humboldt County, Inc., for fees charged the city by the Humane Society associated with the owner's respective dog(s). [Ord. 88-199 § 35, 1988].

**6.04.370 Impoundment – Fee – Exception.**

TMC 3.04.360 shall not be applicable to any city dog owner who establishes that he or she has directly paid to the Humane Society of Humboldt County, Inc., those impoundment fees associated with his or her dog(s). [Ord. 88-199 § 36, 1988].

**6.04.380 Impoundment – Fee – Increase.**

The city may, from time to time, increase the fees charged those city dog owners whose dog(s) are impounded at the Humane Society, so that such charge equals the charge to the city by the Humane Society for the impoundment of the respective dog(s), should the Humane Society increase the charge to the city for the impoundment of the dog(s). [Ord. 88-199 § 37, 1988].

**6.04.390 Vaccination – Purpose.**

It is declared that this chapter is enacted for the purpose of the preservation of the public health, safety and welfare in connection with the protection of human beings from being bitten by rabid dogs. [Ord. 88-199 § 61, 1988].

**6.04.400 Vaccination – Required.**

No person shall own or harbor any dog over four months which has not been vaccinated by a duly licensed veterinarian in accordance with TMC 6.04.420. [Ord. 88-199 § 51, 1988].

**6.04.410 Vaccination – Minimum age.**

Four months will remain the minimum age at which rabies immunization of dogs can be accepted for compliance with dog license requirements. [Ord. 88-199 § 52, 1988].

**6.04.420 Revaccination intervals.**

A. The interval for revaccination of dogs given primary immunization between the ages of four to 12 months will be 12 months.

B. The interval for revaccination of dogs given rabies vaccination at ages over one year will be at least once every three years. [Ord. 88-199 § 53, 1988].

**6.04.430 Vaccination – Authority of county officers.**

This chapter is in furtherance of the program of the county of vaccination of dogs against rabies whereby the county livestock inspector of the county of Humboldt is authorized by the county and directed by the county as follows:

A. To approve such vaccine or vaccines as he may find suitable for providing, by inoculation, two-year immunity of dogs from rabies, to promulgate his findings and approval and to file a statement of his findings and approval in the office of the county health officer as a public record.

B. To prescribe the form or forms of certificates to be used by duly licensed veterinarians under the provisions hereof, to file such approved form or forms in the office of the county health officer of the county of Humboldt as a public record, and to distribute samples of such form or forms to duly licensed veterinarians practicing in this county upon request being made by them. [Ord. 88-199 § 54, 1988].



**6.04.440 Vaccination – Certificate – Forms and contents.**

After vaccination of any dog, such veterinarian shall sign a certificate in triplicate containing the following information:

A. The name and address of the owner or harbored of the vaccinated dog.

B. The name, age, breed, color, sex and use of the vaccinated dog.

Such veterinarian shall immediately present the original certificate to the owner or harbored of the dog, a duplicate copy of the certificate to the city clerk and the triplicate copy shall be retained by the veterinarian. All such certificates shall be on a form approved by the clerk of the county. [Ord. 88-199 § 55, 1988].

**6.04.450 Vaccination – Duplicates – Certificates.**

The duplicate copy of the certificate shall be mailed to the city clerk who shall retain and file this copy of the certificate. [Ord. 88-199 § 56, 1988].

**6.04.460 Vaccination – Certificate – Evidence.**

Possession of a certificate of vaccination on a duly approved form signed by a duly licensed veterinarian shall be prima facie evidence of vaccination of the dog referred to thereon on the date indicated on the certificate. [Ord. 88-199 § 57, 1988].

**6.04.470 Vaccination – Certificate – Misrepresentation.**

No person shall represent that any vaccination certificate in his possession or under his control was issued as a result of his vaccination of any dog other than the dog that was in fact vaccinated. [Ord. 88-199 § 58, 1988].

**6.04.480 Vaccination – False certificate prohibited.**

No person shall make use of or have in his possession or under his control a stolen, counterfeit or forged vaccination certificate. [Ord. 88-199 § 59, 1988].

**6.04.490 Vaccination – Certificate exhibit.**

No person who owns or harbors any dog shall fail or refuse to exhibit the certificate required herein upon demand. [Ord. 88-199 § 60, 1988].

**6.04.500 Violation – Penalty.**

A violation of any of the provisions of this chapter shall be an infraction. Each violation hereof shall be punishable by the penalties authorized by Government Code Section 36900. [Ord. 90-204 § 2(L), 1990; Ord. 88-199 § 70, 1988].

## **Chapter 6.05 PUBLIC NUISANCE ANIMALS**

Sections:

**6.05.010 Animals declared to be a nuisance.**

**6.05.020 Public nuisance – Punishment.**

**6.05.010 Animals declared to be a nuisance.**

It is hereby declared to be a nuisance and it shall be unlawful to keep, maintain, or permit on any lot or parcel of land any animal, poultry, or household pet which by any sound, smell, or cry should unreasonably disturb the peace of any neighborhood, or interfere with any person or prevent the reasonable enjoyment of life or property. [Ord. 94-1 § 2, 1994].

**6.05.020 Public nuisance – Punishment.**

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor. [Ord. 94-1 § 3, 1994].

## **Chapter 6.06 DOG PROHIBITIONS**

Sections:

**6.06.010 Dog prohibitions on Wagner Street Trail.**

**6.06.010 Dog prohibitions on Wagner Street Trail.**

It shall be unlawful for the owner or person in charge of or in control of a dog to permit such dog, either leashed or unleashed, to enter or be in or upon that portion of the Indian Beach public access known as the Wagner Street Trail beginning at its westernmost point, and continuing southeasterly along the trail to its junction with Parker Creek Trail. [Ord. 99-2 § 1, 1999].

## **CHAPTER 7**

### **VICIOUS, POTENTIALLY DANGEROUS AND PUBLIC NUISANCE DOGS**

Sections:

- § 547-1. Findings and Declarations.**
- § 547-2. Vicious Dog Defined.**
- § 547-3. Potentially Dangerous Dog Defined.**
- § 547-4. Public Nuisance Dogs Defined.**
- § 547-5. Severe Injury Defined.**
- § 547-6. Enclosed Defined.**
- § 547-7. Owner or Keeper's Property Defined.**
- § 547-7.5. Hearing Entity/Officer Defined.**
- § 547-8. Procedure for Declaring a Dog Potentially Dangerous, Vicious or a Nuisance.**
- § 547-9. Notice of Hearing, Determination.**
- § 547-10. Notice of Determination.**
- § 547-11. Appeal.**
- § 547-12. Effect of Failure to Appear at Hearing.**
- § 547-13. Finality of Appeal.**
- § 547-14. Seizure and Immediate Impoundment -- Threat to Safety.**
- § 547-15. When Dogs May Not Be Declared Potentially Dangerous, Vicious or Public Nuisance.**
- § 547-16. Disposition of Potentially Dangerous or Vicious Dog(s).**
- § 547-17. Disposition of Vicious Dogs.**
- § 547-18. Procedure for Destruction of Vicious Dogs.**
- § 547-19. Ownership of Vicious Dogs Prohibited.**
- § 547-20. Disposition of Public Nuisance Dogs.**
- § 547-21. Removal from List.**
- § 547-22. Penalties.**

#### **547-1. Findings and Declarations.**

The Board of Supervisors finds and declares all of the following:

- (a) Potentially dangerous and vicious dogs have become a serious threat to the safety and welfare of the citizens of this county and nuisance dogs present a threat to the peace and quiet of unincorporated areas. (Ord. 1937, § 1, 7/30/1991)

- (b) The number and severity of unprovoked attacks by potentially dangerous and vicious dogs have increased and have resulted in the death of a child and serious injuries to numerous individuals, including injury and death to other domestic pets. (Ord. 1937, § 1, 7/30/1991)
- (c) The failure of owners of such potentially dangerous and vicious dogs to properly confine or control their animals is the primary cause of the increased incidence of attacks upon persons and other animals and the disturbance of the peace and quiet of unincorporated areas. (Ord. 1937, § 1, 7/30/1991)
- (d) The necessity for the regulation and control of vicious, potentially dangerous and public nuisance dogs is a county problem, requiring county regulation, and existing county ordinances are inadequate to deal with this threat to the public health and safety posed by vicious, potentially dangerous and public nuisance dogs. (Ord. 1937, § 1, 7/30/1991)

## **547-2. Vicious Dog Defined.**

“Vicious Dog” means any of the following: (Ord. 1937, § 1, 07/30/1991)

- (a) Any dog owned or harbored for the purpose of dog fighting; or (Ord. 1937, § 1, 7/30/1991)
- (b) Any dog seized under Section [599aa](#) of the Penal Code and upon sustaining of a conviction of the owner or keeper under subdivision (a) of Section [597.5](#) of the Penal Code. (Ord. 1937, § 1, 7/30/1991)
- (c) Any dog which, when unprovoked, in an aggressive manner inflicts severe injury or kills a human being. (Ord. 1937, § 1, 7/30/1991)
- (d) Any dog previously determined to be a potentially dangerous dog which, after its owner or keeper has been notified of this determination continues the behavior described in Section [547-3](#) or is maintained in violation of this chapter. (Ord. 1937, § 1, 7/30/1991)

## **547-3. Potentially Dangerous Dog Defined.**

“Potentially dangerous dog” means any of the following:

- (a) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog. (Ord. 1937, § 1, 7/30/1991)
- (b) Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in Section [547-5](#). (Ord. 1937, § 1, 7/30/1991)
- (c) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog. (Ord. 1937, § 1, 7/30/1991)

**547-4. Public Nuisance Dogs Defined.**

“Public nuisance dog” shall mean any dog which gives offense to human senses or substantially interferes with the rights of persons, other than its owner or keeper, to the enjoyment of life or property. The term shall include, but not be limited to, any dog which: (Ord. 1937, § 1, 07/30/1991)

- (a) On three (3) separate occasions within a thirty-six (36) month period has been cited, or impounded for being off its owner’s or keeper’s property in violation of any state or local law prohibiting the running at large of dogs. (Ord. 1937, § 1, 7/30/1991)
- (b) Causes damage to the property of anyone other than its owner or keeper. (Ord. 1937, § 1, 7/30/1991)
- (c) Harasses or intimidates persons on public property or private property other than that owned or under the control of its owner or keeper. (Ord. 1937, § 1, 7/30/1991)
- (d) Repeatedly chases vehicles that are not on its owners property. (Ord. 1937, § 1, 7/30/1991)
- (e) Makes disturbing noises such as barking, howling, whining, or other utterances to the annoyance, disturbance, or discomfort of neighbors or others in the vicinity of the property where the dog is maintained. (Ord. 1937, § 1, 7/30/1991)
- (f) Has been allowed by its owner or keeper to produce odors which annoy, disturb or cause discomfort to persons in the vicinity of the property where the dog is maintained. (Ord. 1937, § 1, 7/30/1991)
- (g) Is one of a number of dogs or other animals maintained on the property owned or controlled by its owner or keeper so as to be offensive to persons or dangerous to the public health, safety or welfare. (Ord. 1937, § 1, 7/30/1991)
- (h) Has, when unprovoked, bitten any person who is lawfully on the owner’s or keeper’s property causing minor injury. (Ord. 1937, § 1, 7/30/1991)

**547-5. Severe Injury Defined.**

“Severe injury” means any physical injury to a human being that results in muscle tears, broken bones, or disfiguring lacerations or requires multiple sutures or corrective cosmetic surgery. (Ord. 1937, § 1, 7/30/1991)

**547-6. Enclosed Defined.**

“Enclosure” means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering the dog within the enclosure. The enclosure shall be securely locked and have secure sides, top, and bottom sufficient to prevent the animal from escaping. (Ord. 1937, § 1, 7/30/1991)

**547-7. Owner or Keeper's Property Defined.**

For purposes of defining potentially dangerous, vicious and public nuisance dogs, the owner or keeper's property includes that property over which the owner or keeper has the exclusive possession and use. (Ord. 1937, § 1, 7/30/1991)

**547-7.5. Hearing Entity/Officer Defined.**

For the purpose of this Chapter the hearing entity or officer shall be the Animal Control Director or his or her appointee. (Ord. 1937, § 1, 7/30/1991)

**547-8. Procedure for Declaring a Dog Potentially Dangerous, Vicious or a Nuisance.**

If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous, vicious or a nuisance, the animal control officer, or his or her designee, shall petition the Animal Control Director, or his or her appointee, for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous, vicious, or a nuisance. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The chief officer of the animal control department or head of the local law enforcement agency shall notify the owner or keeper of the dog that a hearing will be held by the hearing entity, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous, vicious, or a nuisance. Said evidence may be offered either written or oral by the owner of the dog or any interested citizen, including animal control officers, humane officers or peace officers, and shall be sworn to and/or signed under declaration of penalty of perjury. (Ord. 1937, § 1, 7/30/1991)

**547-9. Notice of Hearing, Determination.**

The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held promptly within no less than five (5) working days nor more than ten (10) working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public. The hearing entity may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The hearing entity may find, upon a preponderance of the evidence, that the dog is potentially dangerous, vicious, or a nuisance, and make other orders authorized by this chapter. (Ord. 1937, § 1, 7/30/1991)

**547-10. Notice of Determination.**

After the hearing conducted pursuant to Section [547-9](#), the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first-class mail postage prepaid by the hearing entity. If a determination is made that the dog is potentially dangerous, vicious, or a nuisance, the owner or keeper shall comply with the provisions of this Chapter in accordance with a time schedule established by the chief officer of the animal control department or the head of the local law enforcement agency, but in no case more than thirty (30) days after the date of the determination or thirty-five (35) days if notice of the determination is mailed to the owner or keeper of the dog. (Ord. 1937, § 1, 7/30/1991)

**547-11. Appeal.**

If the petitioner or the owner or keeper of the dog contests the determination of the hearing entity, he or she may, within five (5) days of receipt of the notice of determination, appeal the decision of the hearing entity to the Humboldt County Superior Court pursuant to Food and Agricultural Code § [31622](#)). The party seeking the appeal shall serve personally or by first-class mail, postage prepaid, notice of the appeal upon the other party within two (2) days of the filing of the notice of appeal. (Ord. 1937, § 1, 7/30/1991; Ord. 1953, § 1, 1/7/1992; Ord. 2346, § 1, 6/7/2005)

**547-12. Effect of Failure to Appear at Hearing.**

The hearing entity of original jurisdiction or the court hearing the appeal may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing. (Ord. 1937, § 1, 7/30/1991)

**547-13. Finality of Appeal.**

The determination of the court hearing the appeal shall be final and conclusive upon all parties. (Ord. 1937, § 1, 7/30/1991; Ord. 1953, § 2, 1/7/1992; Ord. 2346, § 1, 6/7/2005)

**547-14. Seizure and Immediate Impoundment -- Threat to Safety.**

If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety the animal control officer or law enforcement officer may seize and impound the dog pending the hearing or determination provided for in sections [547-8](#) and [547-9](#). The owner or keeper of the dog shall be liable to the county for the costs and expenses of keeping the dog if the dog is later determined to be potentially dangerous or vicious. If public safety is adequately assured, the animal control officer of the county may permit the dog to be confined at the owner's expense in an approved kennel or veterinary facility or on the owner's premises. (Ord. 1937, § 1, 7/30/1991)

**547-15. When Dogs May Not Be Declared Potentially Dangerous, Vicious or Public Nuisance.**

- (a) No dog may be declared potentially dangerous, vicious, or a nuisance if any injury or damage is sustained by a person who, at the time the injury or damage was sustained was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous, vicious or a nuisance if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous, vicious or a nuisance if an injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting abusing or assaulting the dog. (Ord. 1937, § 1, 7/30/1991)
- (b) No dog may be declared potentially dangerous, vicious or a nuisance if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog. (Ord. 1937, § 1, 7/30/1991)

**547-16. Disposition of Potentially Dangerous or Vicious Dog(s).**

- (a) All dogs which have been determined by the hearing entity to be potentially dangerous dogs or vicious dogs shall be properly licensed and vaccinated. The status of the dog shall be included in the licensing records either after the owner or keeper has agreed to the designation or the hearing entity has determined the designation applies to the dog. An additional fee of twice the applicable license fee shall be charged for maintaining this additional information in the records. (Ord. 1937, § 1, 7/30/1991)
- (b) A potentially dangerous or vicious dog while on the owners' property, shall, at all times, be kept indoors, or in an enclosure as defined in Section [547-6](#). A potentially dangerous dog may be off the owner's property only if it is restrained by a substantial leash or within an enclosed vehicle. A vicious dog may be off the owner's property if the owner complies with section [547-17\(h\)](#). (Ord. 1937, § 1, 7/30/1991)
- (c) The owner of a potentially dangerous or vicious dog shall notify the animal control department, in writing, within two (2) working days if the dog in question dies, is sold, transferred, or permanently removed from the county. (Ord. 1937, § 1, 7/30/1991)
- (d) Owners of potentially dangerous or vicious dogs shall notify in writing any person to whom the dog is sold that the dog is potentially dangerous or vicious. (Ord. 1937, § 1, 7/30/1991)

**547-17. Disposition of Vicious Dogs.**

In addition to the dispositions in section [547-16](#), upon a determination by the hearing entity that a dog is a vicious dog the following shall apply: (Ord. 1937, § 1, 07/30/1991)



- (a) A dog which has been determined to be vicious pursuant to the provisions of sections [547-2](#), [547-8](#) and [547-9](#) shall not be licensed unless the owner or keeper of the vicious dog is 18 years of age or older and meets the following requirements: (Ord. 1937, § 1, 7/30/1991)
- (b) Provide proof to the animal control officer the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by the vicious dog during the 12-month period for which the licensing is sought. (Ord. 1937, § 1, 7/30/1991)
- (c) The owner or keeper, at his or her own expense, and within two (2) working days of receipt of notice of determination that dog is vicious shall provide the Animal Control Department with two current color photographs of the dog which shows the animal in a standing position. (Ord. 1937, § 1, 7/30/1991)
- (d) The owner or keeper shall display a sign that visually depicts a menacing dog on his or her property warning that there is a vicious dog on the property. The sign shall be visible to the general public and approved by the animal control officer. (Ord. 1937, § 1, 7/30/1991)
- (e) The owner or keeper of a vicious dog shall certify under penalty of perjury to all of the following: (Ord. 1937, § 1, 07/30/1991)
- (1) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the period for which licensing is sought, unless the owner or keeper shall cease to own or keep the dog prior to the expiration of that license. (Ord. 1937, § 1, 7/30/1991)
  - (2) The owner or keeper shall, on or before the effective date of the license for which application is being made, have an approved enclosure for the dog on all property where the vicious dog will be kept or maintained. (Ord. 1937, § 1, 7/30/1991)
  - (3) The owner or keeper shall notify the animal control officer immediately upon discovery if the vicious dog is running at large, is unconfined, has attacked another domestic animal or has attacked a human being, has died, has been sold, or transferred , or has been permanently removed from the county. Immediately upon discovery shall mean as soon as practicable taking into consideration the circumstances, but in no event later than twenty-four (24) hours after the occurrence or the next working day in which the animal control office is open. (Ord. 1937, § 1, 7/30/1991)
  - (4) If the vicious dog is sold, the owner or keeper shall provide the animal control officer with the name, address, and telephone number of the new owner or keeper. It shall be unlawful to sell or give away a dog previously determined to be vicious unless the owner or keeper of the dog advises the new owner or keeper of the status of the dog in writing. (Ord. 1937, § 1, 7/30/1991)
- (f) All dogs determined to be vicious shall be confined in an enclosure as defined in section [547-6](#). It is unlawful for any owner or keeper to maintain a vicious dog upon any property which does not have an enclosure as described in Section [547-6](#). (Ord. 1937, § 1, 7/30/1991)
- (g) It is unlawful for any owner or keeper to allow any vicious dog to be outside of the enclosure unless it is inside the dwelling of the owner or keeper or it is necessary for the owner or keeper to obtain veterinary care for the

dog, to sell or give away the dog, or to comply with any directive of the animal control officer with respect to the dog. (Ord. 1937, § 1, 7/30/1991)

(h) In any case where a vicious dog is lawfully outside the enclosure, except in cases where it is inside the dwelling of the owner or keeper, the dog shall be securely muzzled and restrained, with a leash sufficient to restrain the dog, having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and the dog shall be under the direct control and supervision of its owner(s) or keeper(s). (Ord. 1937, § 1, 7/30/1991)

(i) The hearing entity may impose any additional conditions upon the ownership of the dog that protect the public health, safety and welfare. (Ord. 1937, § 1, 7/30/1991)

### **547-18. Procedure for Destruction of Vicious Dogs.**

(a) A dog determined to be vicious may be destroyed by the animal control department when it is found, after proceedings conducted under Sections [547-8](#) and [547-9](#), that the release of the dog would create a significant threat to the public health, safety, and welfare or; (Ord. 1937, § 1, 7/30/1991)

(b) An owner of a dog which has previously been determined to be a vicious dog violates the provisions of this code relating to the keeping of vicious dogs or; (Ord. 1937, § 1, 7/30/1991)

(c) A dog which has previously been determined to be a vicious dog, when unprovoked, attacks, wounds, bites, or otherwise injures or kills any person.

(d) A dog shall not be destroyed pursuant to sections (b) or (c) above without a hearing pursuant Sections 547-8 and 547-9.

### **547-19. Ownership of Vicious Dogs Prohibited.**

The owner of a dog determined to be a vicious dog may be prohibited by the Animal Control Director from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted under Sections [547-8](#) and [547-9](#), that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare. (Ord. 1937, § 1, 7/30/1991)

### **547-20. Disposition of Public Nuisance Dogs.**

(a) No person shall keep or maintain any dog in such a manner as to cause or permit the dog to be a public nuisance dog. (Ord. 1937, § 1, 7/30/1991)

(b) No owner or keeper of a dog shall fail to abate a nuisance created by the keeping of such dog when ordered to do so by the animal control officer or other peace officer employed by the county or a humane officer employed by the county humane society. (Ord. 1937, § 1, 7/30/1991)

- (c) The hearing entity may impose any reasonable conditions upon the ownership of the dog which shall correct the circumstances which created the nuisance. (Ord. 1937, § 1, 7/30/1991)
- (d) Any dog having been declared to be a public nuisance dog pursuant to the provisions of sections [547-4](#), [547-8](#) and [547-9](#) shall be delivered to the animal control officer for impoundment until such time as the owner or keeper shall have satisfied the animal control officer that they have taken steps to abate the nuisance created by the keeping of the dog. Failure to take such steps to the satisfaction of the animal control officer within five (5) working days following impoundment of the dog and notice of the conditions for release imposed by the animal control officer, shall result in forfeiture of ownership of said dog. (Ord. 1937, § 1, 7/30/1991)
- (e) No dog may be euthanized or otherwise disposed of if the owner or keeper of the dog has sought judicial review of the determination that the dog was a public nuisance dog until that review has been completed. The owner or keeper of the dog shall be liable for the cost of the care and feeding of the dog pending the outcome of the judicial review and shall deposit monthly in advance the cost of such care and feeding as determined by the animal control officer. Failure to make such a deposit shall result in forfeiture of ownership of said dog after giving the owner or keeper of the dog five (5) days written notice of their failing to make the required deposit in advance. In the event the judicial review is favorable to the owner or keeper of the dog, the amounts paid for the care and feeding of the dog pending the judicial review shall be refunded. (Ord. 1937, § 1, 7/30/1991)

#### **547-21. Removal from List.**

If there are no additional instances of the behavior described in Sections [547-3](#) and [547-4](#), within a 36-month period from the date of designation as a potentially dangerous or public nuisance dog, the dog shall be removed from the list of potentially dangerous or public nuisance dog. The dog may, but is not required to be, removed from the list of potentially dangerous or public nuisance dogs prior to the expiration of the 36-month period if the owner or keeper of the dog demonstrates to the animal control department that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to the public safety. (Ord. 1937, § 1, 7/30/1991)

#### **547-22. Penalties.**

- (a) Any violations of this code relating to vicious or potentially dangerous dogs shall be a misdemeanor. (Ord. 1937, § 1, 7/30/1991)
- (b) Any violation of this code relating to public nuisance dogs shall be an infraction. (Ord. 1937, § 1, 7/30/1991)

**The Humboldt County Code is current through Ordinance 2725, passed September 12, 2023.**

Disclaimer: The Office of the County Counsel has the official version of the Humboldt County Code. Users should contact the Clerk of the Board's office for ordinances passed subsequent to the ordinance cited above.

[County Website: humboldt.gov](http://humboldt.gov)

[County Telephone: \(707\) 445-7236](tel:(707)445-7236)

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## **DISCUSSION AGENDA ITEM 7**

### **SUPPORTING DOCUMENTATION ATTACHED**

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7. Telephone Carrier of Last Resort Obligation (AT&T Landlines)

AGENDA ITEM: Telephone Carrier of Last Resort Obligation  
(AT&T Landlines)

Date: February 13, 2024

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ANALYSIS:

The City was notified at the end of January that AT&T had filed an Application for Relief from Carrier of Last Resort throughout the State of California for the provision of telephone landlines. This impacts all of Humboldt County except for the City of Ferndale which is served by Frontier Communications. A Notice of Pending Regulatory Application is before the California Public Utilities Commission (CPUC). An online public forum is scheduled for March 19<sup>th</sup> at 2pm and 6pm. Letters can also be sent to the CPUC.

ACTION:

Support that the City draft a letter and send it to the CPUC opposing an Application for Relief from Carrier of Last Resort by AT&T.

(or) Do not send a letter to the CPUC.

ATTACHMENTS:

Notice of Pending Regulatory Application  
CPUC Public Participation Hearings (and Frequently Asked Questions)

[Print](#) | [Close Window](#)

**Subject:** Agenda Item: Telephone Carrier of Last Resort Obligation (AT&T Landlines)

**From:** "citymanager@trinidad.ca.gov" <citymanager@trinidad.ca.gov>

**Date:** Mon, Feb 05, 2024 2:30 pm

**To:** "cityclerk@trinidad.ca.gov" <CITYCLERK@TRINIDAD.CA.GOV>

**Attach:** AT&T.pdf

**AGENDA ITEM - Telephone Carrier.docx**

Gabe:

Attached is the agenda item for Telephone Carrier of Last Resort Obligation (AT&T Landlines). Also attachment 1 is titled AT&T and attachment 2 is below:

<https://www.cpuc.ca.gov/proceedings-and-rulemaking/cpuc-public-participation-hearings>

Thanks,  
Eli  
Eli Naffah  
City Manager  
City of Trinidad  
707-677-3876

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# Notice of Pending Regulatory Application

Application 23-03-003

January 22, 2024

AT&T California has submitted an application to the California Public Utilities Commission (CPUC) that, if approved, would remove AT&T's obligation under California law to provide traditional landline phone service in a large portion of our service territory in California. This message explains what's in AT&T's application and how to find out more information.

**IMPORTANT: This letter describes an application that has not yet been approved by the CPUC. No changes are being made to your service at this time. We will let you know when and if any changes will affect your service.**

## Summary of AT&T's Application for Relief from Carrier of Last Resort Obligation

AT&T's role as the default landline phone service provider (also known as the Carrier of Last Resort or COLR) means that we must provide traditional landline phone service to any potential customer in our service territory. In our application, AT&T has asked the CPUC to remove our role as the COLR in a large portion of AT&T's service territory in California.

## If the CPUC approves AT&T's application as proposed, it would mean:

For Traditional Landline Phone Service Customers:

- AT&T would continue providing traditional landline phone service to existing customers until all federal and state regulatory processes are completed. AT&T has also committed to providing service to existing traditional landline phone customers for at least six months after the CPUC approves the application.
- Before making any changes to traditional landline phone customers' services, AT&T would provide advance notice about choices for changing existing service to either a different voice service available from AT&T, or a voice service offered by another provider in the area.
- AT&T would remain the COLR in areas where no alternative voice services are yet available and continue to provide traditional landline phone service to our customers until proven alternatives become available.



For Voice Over Internet Protocol (VoIP) Customers:

- While this application does not propose changes to VoIP service, customers with VoIP service may lose service in the future if AT&T decides it no longer wants to operate landline service in that community/market.
- AT&T would provide advance notice regarding any future changes.

For AT&T Mobility Customers:

- AT&T Mobility service would not be affected by this application.

### **Maps of Affected Areas Are Available**

A map of your zip code showing affected areas is included with this notice, and an online version of the map is available with address lookup here: <http://pub.att.com/COLRmap>

The map depicts 1) areas in AT&T California's service territory in which AT&T seeks to withdraw as a COLR, and 2) areas where AT&T may seek to withdraw as a COLR in the future using a proposed streamlined advice letter process. The Commission has not yet approved this proposed streamlined process.

### **The CPUC's Review Process**

AT&T's application is subject to approval by the CPUC. Multiple parties oppose this application. The Commission will evaluate the evidence from all parties, as well as public input, before deciding whether to approve the application. At the end of the process, the CPUC is expected to issue a final decision and vote on whether to approve the application.

### **Options to Provide Feedback on This Application to the CPUC**

The CPUC plans to gather public input about AT&T's application, and it has scheduled public participation hearings in February and March 2024. You can find more information about upcoming public participation hearings here:

<https://www.cpuc.ca.gov/pph>

Customers may also share concerns with the CPUC in writing. Please visit [apps.cpuc.ca.gov/c/A2303003](https://apps.cpuc.ca.gov/c/A2303003) to submit a public comment in this proceeding's Docket Card. You may also mail written comments to the CPUC's Public Advisor's Office at the address below. If you mail comments, please include the proceeding number A.23-03-003 on the envelope.

***IMPORTANT: This letter describes an application that has not yet been approved by the CPUC. No changes are being made to your service at this time. We will let you know when and if any changes will affect your service.***

For more information about participating in the public participation hearings, submitting comments, to request special assistance, to request a non-English or Spanish language interpreter, or if you have questions about the process, you can contact the CPUC's Public Advisor's Office at:

### **CPUC Public Advisor's Office**

505 Van Ness Avenue, San Francisco, CA 94102

Phone: 1.866.849.8390 (toll-free) or 1.415.703.2074

Email: [Public.Advisor@cpuc.ca.gov](mailto:Public.Advisor@cpuc.ca.gov)

[cpuc.ca.gov/pao](http://cpuc.ca.gov/pao)

Please reference **Application 23-03-003** in any communications you have with the CPUC regarding this matter.

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### [To hear this in other languages](#)

如需有關本文的粵語資訊，請致電：800.570.8868，然後按照提示繼續。

如需有關本文的國語資訊，請致電：800.303.8788，然後按照提示繼續。

Để biết thông tin về bài viết bằng tiếng Việt, xin gọi số 800.573.8828 và làm theo các hướng dẫn.

한글 보도자료 정보는 800.560.8878번으로 전화하여 녹음 안내를 받으십시오.

Para sa impormasyon tungkol sa artikulo sa Tagalog, mangyaring tumawag sa: 800.546.5006 at sundin ang mga dikta.

日本語版の文書をご希望の方は、800.523.1153に電話してプロンプトに従ってください。

Для получения информации о статье на русском языке звоните по телефону 866.538.6122 и следуйте указаниям.

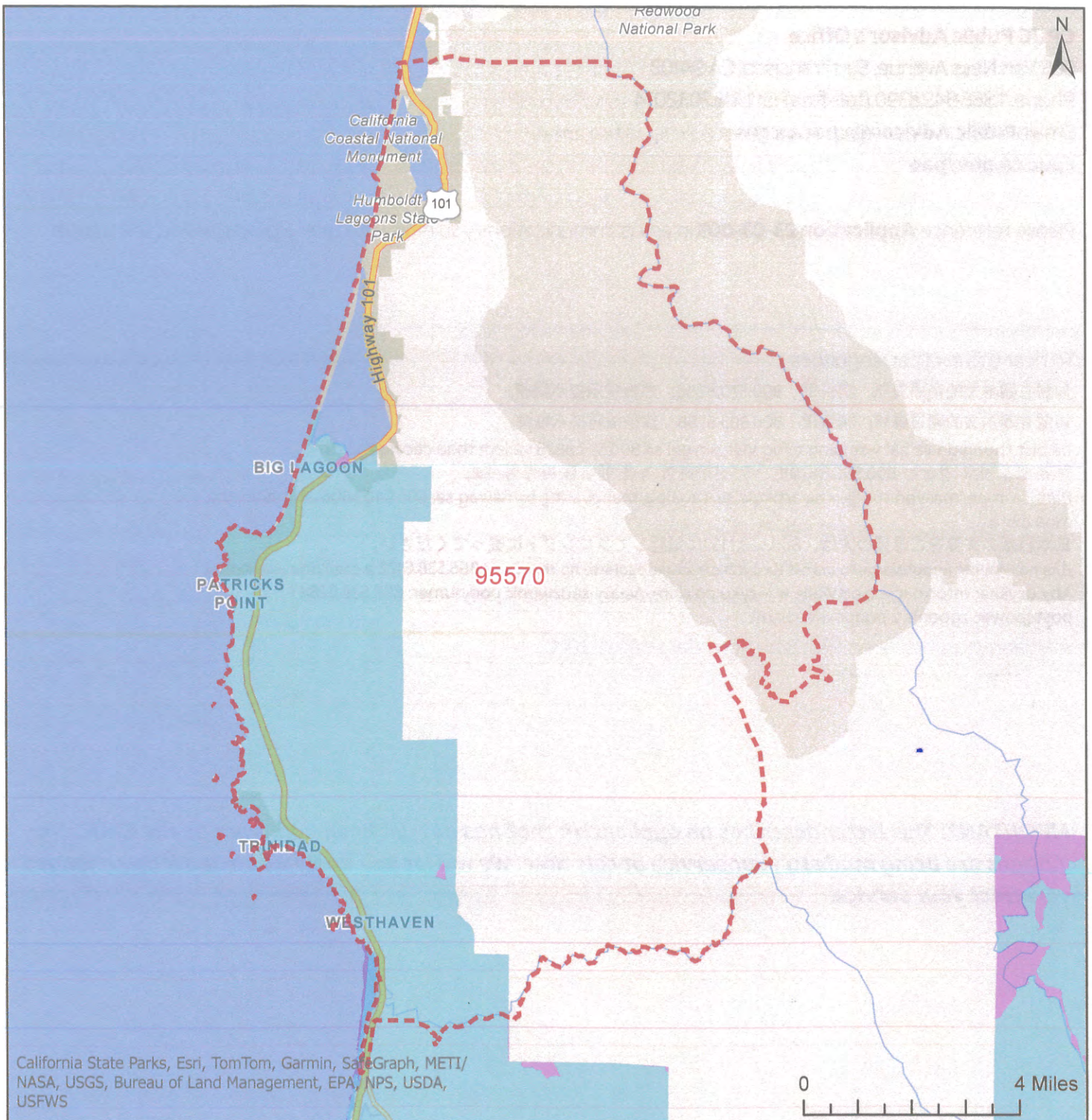
Aby uzyskać informacje o artykule w języku polskim, należy zadzwonić pod numer: 866.538.5284 i postępować zgodnie z podpowiedziami.


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***IMPORTANT: This letter describes an application that has not yet been approved by the CPUC. No changes are being made to your service at this time. We will let you know when and if any changes will affect your service.***




Territory AT&T California Seeks to  
Withdraw from as a Carrier of Last Resort (COLR)  
Zip Code 95570



 Zip Code Area

 Blue shaded sections represent the territory AT&T California seeks to withdraw from as a COLR.

 Violet shaded sections represent the territory AT&T California proposes that it should be allowed to withdraw from as a COLR in the future through a proposed streamlined advice letter process. The Commission has not yet approved this proposed streamlined process.

An online version of this map with address lookup is available here: <http://pub.att.com/COLRmap>



## **DISCUSSION AGENDA ITEM 8**

### **SUPPORTING DOCUMENTATION ATTACHED**

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8. Introduction/Presentation of the 2024 General Election Year Calendar.

# DISCUSSION/ACTION AGENDA

Date: Tuesday, February 13, 2024

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## **NOVEMBER 2024 CITY ELECTION CALENDAR**

### **February**

- Acknowledgment that an Audit has not been conducted for FY2023.
- Check-In on City Budget through December.

### **March**

- Begin Fiscal Year Budget preparation.
- Discussion (Part I) regarding consideration of Sales Tax Extension, benefits/implications to the City in general, ballot measure language, termination date options, questions, staff homework, etc.

### **April**

- Continue Fiscal Year Budget preparation.
- Discuss/Consider Sales Tax Extension (Part II), Implications on 2024-2025 Budget.

### **May**

- Adopt Resolution calling for election on a proposal to extend the Sales Tax Increase.
- Adopt Resolution requesting Election Consolidation with the County.
- Continue FY 2024-2025 Budget preparations.

### **June**

- Adopt FY 2024-2025 Budget
- Prepare/Present/Announce the upcoming election season calendar

### **July**

- Publish Election Notice for (2) Upcoming November Council Seats & Sales Tax Election
- Candidate Nomination Period opens.

### **August**

- Publish Arguments For, Against, and Rebuttals for Sales Tax Extension
- Adopt Ordinance that will authorize the State Board of Equalization to implement the Sales Tax Extension should it pass.
- Filing period for City Council Candidate nominees closes August 10.

### **September**

- No deadlines

### **October**

- Publish notification of (2) upcoming Planning Commission vacancies

### **November**

- General Election, Tuesday, November 05, 2024.

### **December**

- When County Elections results are certified, swear in new Council members, appoint Mayor, and re-distribute or confirm Committee/Commissionership assignments.