



NOTICE AND CALL OF A MEETING OF THE  
**TRINIDAD PLANNING COMMISSION**

The Trinidad Planning Commission will hold a regularly scheduled monthly meeting on  
**WEDNESDAY JUNE 20<sup>th</sup>, 2018, AT 6:00 P.M.**  
in Town Hall at 409 Trinity Street.

The following items will be discussed:

- I. ROLL CALL
- II. APPROVAL OF MINUTES - May 16, 2018
- III. APPROVAL OF AGENDA
- IV. ITEMS FROM THE FLOOR
- V. AGENDA ITEMS

**Discussion / Decision / Public Hearing / Action**

- 1. Reinman 2018-05: Design Review and Coastal Development Permit to construct approximately 10' x 12' patios / covered balconies for each unit of a 4-plex. Located at: 651 Parker St.; APN: 042-042-017
- 2. Review of Parking and Camping Regulation in the City.

- VI. COUNCIL REPORT
- VII. STAFF REPORT
- VIII. FUTURE AGENDA ITEMS
- IX. ADJOURNMENT

**MINUTES OF THE MONTHLY MEETING OF THE**  
**TRINIDAD PLANNING COMMISSION**  
**Wednesday, May 16, 2018**

**I. CALL TO ORDER/ROLL CALL (6:00pm)**

Commissioners Present: Graves, Stockness, Gregory, Morgan  
Commissioners welcome new member Mike Morgan.  
Commissioners Absent: Johnson  
Staff: Parker

**II. APPROVAL OF MINUTES**

*April 18, 2018*

There were no comments on the minutes.

***Motion (Stockness/Gregory) to approve the minutes as amended.***

***Passed unanimously (3-0) with Morgan abstaining having not been in attendance.***

**III. APPROVAL OF AGENDA**

***Motion (Morgan/Gregory) to approve the agenda.***

***Passed unanimously (4-0).***

**IV. ITEMS FROM THE FLOOR**

There were no items from the floor.

**V. AGENDA ITEMS**

1. Election of Vice Chair:

Parker noted that at the March meeting, Commissioner Gregory had been nominated for Vice Chair in absentia. However, the Commissioners felt that they should not vote without Commissioner Gregory in attendance.

Commissioner Gregory accepted the nomination.

***Motion: The Planning Commission moved to appoint Commissioner Gregory as Vice Chair.***

***Passed unanimously (4-0).***

2. Mullin 2018-02: Use Permit and Coastal Development Permit to remove a large (>12" DBH) nonnative Monterey cypress tree from the property that creates and nuisance and poses a potential hazard to adjacent property and structures.

Located at 520 Pacific Street; APN 042-082-001.

### *Staff Report*

Parker summarizes the staff report. Parker explains the reasons the applicant is requesting removal and references the materials provided as part of the application. She explains that a Coastal Development Permit is required for "major vegetation removal," and the City's Zoning Ordinance requires a Use Permit for removal of trees greater than 12 inches in diameter at breast height (DBH) in the UR zone. The tree removal will not affect any structures and may improve coastal views. The project is outside any unstable areas, and has been conditioned to avoid soil disturbance. Parker notes that CA Fish and Game Code prohibits disturbance of active nests. Since it is the peak nesting season, staff proposed a condition that a qualified person check the tree for nests prior to tree removal, unless removal occurs after September 1. Parker then summarizes the Use Permit findings and proposed conditions of approval. She provides a staff recommendation for approval, but also explains the Commission's alternatives.

### *Commissioner Comments/Questions*

Commissioner Morgan questions the costs of the processing the application. Specifically, he is concerned about the costs of having someone check the tree for nests. Parker responds that it should only take an hour, plus driving time.

### *Public Comment*

Commissioner Stockness reads an email submitted by a neighbor expressing support for the project. She notes that view blocking vegetation is a problem around town, and suggests that the Commission take that into consideration. There was no other public comment.

### *Commissioner Discussion*

Commissioner Gregory expresses appreciation of the letter of support.

Commissioner Morgan discloses that he spoke with the applicant/property owner when he visited the site to view the tree. He believes the removal request makes sense.

***Motion (Morgan/Gregory): Based on information submitted in the application and included in the staff report and public testimony, I move to adopt the information and findings in the staff report and approve the project as conditioned therein. Passed unanimously (4-0).***

Commissioner Morgan adds that he doesn't necessarily want to set precedence for requiring nesting surveys for tree removals. He wants to see how this one goes.

3. Farmer 2018-03: Design Review and Coastal Development Permit for construction of a new pitched roof in place of an existing flat roof. Located at 436 View Avenue; APN: 042-062-008.

#### *Staff Report*

Parker provides a summary of the staff report. She explains that because the project alters the external profile of the structure, it is not exempt from Design Review or a Coastal Development Project, even though it is a minor project. She notes that because Commissioner Stockness lives within 300 ft. of the project, there is an assumed financial conflict of interest. Parker explains that Stockness may refute that assumption, noting that it is unlikely that the project would have any effect on property values in the neighborhood. The project will not change the square footage of the structure or physical components of the property, other than the height and profile of the roof. Parker continues, noting that due to the project location, there is minimal potential to impact views. She also notes that the project will not affect the septic system on the property, but that the owner has not submitted a complete OWTS Operating Permit application, and that has been included as a condition of approval. Parker then summarizes the design review and view protection findings as well as the proposed conditions of approval; the staff recommendation is for approval.

#### *Commissioner Comments/Questions*

Commissioner Stockness states that she will not be impacted monetarily by this project, and therefore does not have a conflict of interest.

Commission Morgan asks about the costs to process this application. Parker explains that is probably impossible to keep the costs under the \$750 deposit due to all the required steps. But due to the minor nature of the project, it could be less than \$1000 in total.

Commissioner Graves observes that a lot of properties in Trinidad seem to be nonconforming as to the minimum lot size. He wonders if the minimum lot size should be reduced as part of the current LCP update. Parker responds negatively, explaining that even the current minimum lot size is small for the use of septic systems.

#### *Public Comment*

Agent K. Stearns is available to answer any questions. There were none. There were no other public comments.

#### *Commissioner Discussion*

Commissioner Stockness is concerned about construction traffic and whether construction will coincide with planned improvements to the stormwater system on View Avenue this summer. Agent Stearns responds that there will be no demolition;

the new roof will be built on top of the old roof. And there is room in the driveway to accommodate the construction vehicles. A flatbed will be used to transport the new trusses, but will only be there a few hours. He will request that the workers to stay off the street with their vehicles.

***Motion (Morgan/Gregory):*** Based on application materials, information and findings included in the staff report, and based on public testimony, I move to adopt the information and required Design Review and View Protection findings in the staff report and approve the project as submitted in the application, and as described and conditioned in the staff report.

***Passed unanimously (4-0).***

4. HSU 2018-04: Use Permit and Coastal Development Permit to remove a large (>12" DBH) nonnative Monterey cypress tree that is damaging infrastructure and causing a public safety hazard in front of the HSU Marine Lab. Located at 570 Ewing Street; APN: 042-021-001.

#### *Staff Report*

Parker explains that HSU has been working on this project for some time and that there was an issue of ownership. It turns out that the tree, which was planted and has been maintained by HSU, is actually on State Park property. She notes that State Parks wrote a letter in support of the project due to the tree being nonnative and posing a hazard to infrastructure. HSU submitted an arborist report that recommends removal of the tree due to the damage occurring from the roots and the difficulty of pruning it. Parker continues, noting that removal of the tree requires a Use Permit, but will not impact any structures or other improvements. She also points out that stump removal is not proposed at this time in order to avoid soil disturbance and possible impacts to cultural resources. She summarizes the Use Permit findings and conditions of approval, which are very similar to the earlier Mullin project. Staff recommendation is for approval.

#### *Commissioner Comments/Questions*

Commissioner Stockness requests clarification regarding the property lines, and a brief discussion ensues.

#### *Public Comment*

T. Comet, Interim Associated Vice President of Facilities Management for HSU, introduces himself. He explains that continued pruning of the tree will affect its health. He also explains that current funding is only for the tree removal, and repairs to the curbs and asphalt will be a future project.

Commissioner Morgan asks if the flagpole will be used again once the tree is removed. T. Comet answers affirmatively.

Commissioner Stockness asks if the future repairs/improvements will add more parking spaces. T. Comet answers that additional parking is not part of any current plans.

Commissioner Morgan clarifies that the nearby interpretive sign belongs to State Parks.

*Commissioner Discussion*

Commissioners generally agree that removal makes sense at this time, and that the tree has been pruned poorly in the past.

**Motion (Stockness/Morgan): Based on information submitted in the application and included in the staff report and public testimony, I move to adopt the information and findings in the staff report and approve the project as conditioned therein.**

***Passed unanimously (4-0).***

## **VI. COUNCIL REPORT**

Commissioner Stockness reported, since she was at the meeting. She states that there was a group at the Council meeting to protest the appointment of Commissioner Morgan. She also states that the City Engineer's office provided an update on the stormwater improvements (Phase 1) that would be occurring this summer. The Council also discussed parking issues and possible restrictions in certain areas, such as 1-hour parking and prohibiting RVs. There was also some discussion about enforcement issues and Measure Z funding; the City will be getting another part-time deputy. Stockness also reported that the County Board of Supervisors accepted Trinidad's proposal to be allowed to comment on cannabis projects within the City's Planning Area. Finally, the Council elected to formalize Tsurai Management Team meetings under the Brown Act.

## **VII. STAFF REPORT**

Staff is working on implementation of the OWTS Management Program and has been making good progress. Finishing the General Plan update is priority for this summer. An environmental assessment for Phase 2 of the Stormwater Improvement project is also a current priority. The Civic Club is working on applications for the follow-up permitting for the emergency TML relocation.

## **VIII. FUTURE AGENDA ITEMS**

Commissioner Gregory follows up on the Council's discussion regarding parking. He opines that there is too much camping and sleeping in vehicles. Commissioner Stockness provides some suggestions for contacting law enforcement. She feels that more signage is needed. Commissioner Morgan suggests a camping/parking agenda

item. He would like to review existing ordinances and discuss possible recommendations for additions and/or changes.

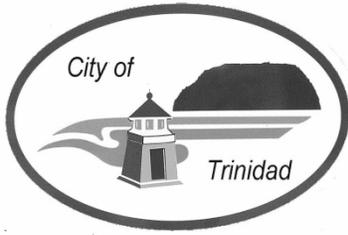
**IX. ADJOURNMENT**

*The meeting was adjourned at 7:25.*

**Submitted by:**  
**Trever Parker**  
Acting Secretary to Planning Commission

**Approved by:**  
\_\_\_\_\_  
**John Graves**  
Planning Commission Chair

DRAFT



Filed: May 2, 2018  
Staff: Trever Parker  
Staff Report: June 11, 2018  
Commission Hearing Date: June 20, 2018  
Commission Action:

## **STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO: 2018-05

APPLICANT / OWNER(S): Hope and Mike Reinman

AGENT: Sarah Atkins

PROJECT LOCATION: 651 Parker Street

PROJECT DESCRIPTION: Design Review and Coastal Development Permit to construct approximately 10' x 12' patios/ covered balconies for each unit of the 4-plex

ASSESSOR'S PARCEL NUMBER: 042-042-017

ZONING: UR - Urban Residential

GENERAL PLAN DESIGNATION: UR - Urban Residential

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per §15301 exempting minor alterations of existing structures.

### APPEAL STATUS:

Planning Commission action on a Coastal Development Permit, Variance, Conditional Use Permit, and/or Design Review approval application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project X is ~~is not~~ appealable to the Coastal Commission per the City's certified LCP, and may be appealable per the requirements of Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The property is located on the south side of Parker Street, between the Eatery and the Holy Trinity Church. It is currently developed with a 4-plex apartment structure that contains four, 2-bedroom units. One of the units is licensed as a Short Term Rental. The property is accessed from Parker Street. The existing septic system, which was upgraded in 2016 and shown on the site plan, is located to the west of the 4-plex. The lot slopes gently towards the west. The property is zoned Urban Residential (UR), but is located within a mixed use area with Commercial and Planned Development to the east, and north, Public and Religious to the west, and UR to the north, west and south.

## **STAFF COMMENTS:**

Although the project is minor, because the project alters the external profile of the existing structure, it is not exempt from Design Review or a Coastal Development Permit. Due to revised plans, there was not time to send out referrals. However, a building permit will be required, and a standard condition that all the Building Inspector's requirements must be met has been included. In addition, I sent an informal referral to DEH staff to make sure that the project maintains proper setbacks from the septic system components; they had no issue with the project.

### ***Potential Conflicts of Interest***

Commissioner Morgan owns the Bed and Breakfast located at 560 Edwards Street, which is within 300 ft. of the project (approximately 170 ft. to the southeast). Normally, a 500 ft. distance is the cut off for an assumed conflict of interest, but in small towns, that distance can be reduced to 300 ft. if certain conditions apply. Since the distance is less than 300 ft., there is still a potential conflict of interest. The proximity issue is only a conflict based on a presumed monetary change in property value due to the project.

According to then City Attorney Paul Hagen's November 2008 memo, when this *presumption* of a direct financial interest is the case, one of two things must occur: (1) the official makes a rebuttal of the presumption of a direct financial interest and proceeds to vote; or (2) if no rebuttal is made, then the official must recuse themselves and cannot vote. Therefore it is an individual decision to recuse oneself or not based upon whether the Commissioner feels they will have any financial gain or loss from the project.

In this case, little change is proposed, and therefore changes in nearby property values are unlikely. Part VI of the memo referenced above provides a series of questions that can be used to help officials determine whether they need to recuse themselves. The memo was provided as part of last month's packet.

## ZONING ORDINANCE / GENERAL PLAN CONSISTENCY

The property where the project is located is zoned UR – Urban Residential. The purpose of this zone is to allow relatively dense residential development. The minimum lot size allowed in the UR zone is 8,000 sq. ft. and the maximum density is one dwelling per 8,000 sq. ft. The existing lot is approximately 14,300 sq. ft. The 4-plex was legally developed, but is nonconforming as to density under the current regulations, and possibly use as well (single-family residential verses multi-family residential). Trinidad’s regulations are not entirely clear on this, and there is no precedent in the City that I am aware of.

Section 17.4.010.A provides that: *“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.”* The 4-plex is a residential use, but it is a specific type of residential use that is not allowed in the UR zone, even with a Use Permit, so it could well be argued that the use is nonconforming, and it might not be a good precedent to determine otherwise.

Covered porches and balconies do not count toward the floor area of a building (§17.08.310), therefore, the project does not increase the residential floor area. It also does not create any additional units or bedrooms. So if the building is considered to be conforming as to use, then the patios/balconies would seem to be consistent with this regulation. However, the improvements would increase the amount of useable outdoor space, particularly on the upper floor, which could impact neighbors; the nearest residences are approximately 50 ft. away.

In terms of nonconforming uses, §17.64.010.C states: *“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.”* The project does not propose a change of use, and the use has not been discontinued. Therefore, I recommend focusing on the second part. It could be reasonably argued that the entire lot is already under multi-family residential use, since the yard is a common use area for all tenants and includes improvements such as chairs, a hot tub, picnic table, barbeque and the septic system. Further, the project will not result in an increase in residential floor area.

Because the regulations are not totally clear, I do not have a specific recommendation as to the interpretation of this situation, and am leaving that to the Planning Commission to determine. My suggestion would be that the structure is a nonconforming use, but that the project would not be extending that use, nor would it increase the existing degree of nonconformity.

Also, note that the current draft Land Use map developed as part of the General Plan update designates this property as Planned Development (proposed to be renamed Mixed Use), which would make the multi-family use conforming, though the density would still be nonconforming under the existing regulations. The property owner has also expressed an interest in rezoning/redesignating the property as Planned Development but was waiting for the General Plan / LCP update. Having grown impatient with that process, the owner recently submitted an application for an individual property rezone. That application will be coming to the Planning Commission later this year, but that process still takes time, and will have to be certified by the Coastal Commission prior to taking effect.

According to the application materials, the existing structure is 60 ft. by 38 ft. with a 4 ft. concrete walkway along three sides (east, north, south) of the building. The total building footprint is 2,280 sq. ft., consisting of four 986 sq. ft., 2-bedroom apartments, and a total floor area of 3,944 sq. ft. (common use areas such as access hallways and stairways do not count toward the floor area). The two ground-level patio extensions will be approximately 6 ft. by 10 ft. (10 ft. by 10 ft. including the existing walkway) and the balconies are slightly wider at 10 ft. by 12 ft. The proposed project will not change the floor area, but will increase the building footprint by about 144 sq. ft.

The maximum height allowed in the UR zone (Zoning Ordinance §17.36.06) is 25 feet, (measured from the average ground level elevation covered by the structure to the highest point of the roof, §17.56.100), except that the Commission may require a lesser height in order to protect views. The current maximum height of the 4-plex is approximately 22 ft. 8 in. The proposed project will not change the height of the structure.

The Urban Residential zone (§17.36.050) requires minimum yards of front 20 ft., rear 15 ft., side 5 ft., and street side 15 ft. for corner lots (§17.36.060). The parcel faces Parker Street to the north. Features such as eaves are allowed to extend up to 2.5 ft. into side setbacks and up to 4 ft. into front and rear setbacks. All required setbacks are met by the existing structure. The proposed balconies/patios will maintain a 48 ft. rear setback.

The Zoning Ordinance (§ 17.56.180) requires 1.5 parking spaces per unit for attached dwellings; the STR ordinance requires one space per bedroom. Each parking space is required to be 18 ft. long and 8.5 ft. wide. The site plan shows seven parking spaces at the front of the building, which meets current requirements. The addition will not affect the existing parking spaces or increase parking requirements.

Minimal grading is required to complete this project. This site is already connected to services and utilities, and these will not change. Exterior materials and colors will not change. New sliding glass doors will replace existing windows to provide access to the patios/balconies.

The Trinidad General Plan and Zoning Ordinance protect importance public coastal views from roads, trails and vista points, and private views from inside residences located uphill from a proposed project, from significant obstruction. Because the project increases the building's profile to the south, there is the potential to impact views from residences located adjacent to the structure. Elevations have been provided for this project, and the neighbors have been notified. I did not request story poles to be placed, since, because of the project location and surrounding structures, there is minimal potential to impact views, and the improvements should be easy to visualize.

#### **SLOPE STABILITY:**

The project site is not mapped as being "unstable" or of "questionable stability" on Plate 3 of the General Plan. The project is located outside of the Alquist-Priolo Fault Zone. Therefore, no geologic study is required.

#### **SEWAGE DISPOSAL:**

The property is served by an existing septic system. The system consists of two standard 1200 gallon tanks of unknown age and three 50 ft. leachlines that were installed in 2016. The leachfield repair was designed and permitted for 4 units and 8 bedrooms. A reserve area was also located on the property. Note that the seepage pits indicated on the site plan were abandoned as part of the installation of the leach lines in 2016. The property currently has a valid OWTS Operating Permit. The project will not affect wastewater flows.

#### **LANDSCAPING AND FENCING:**

This project does not involve any new landscaping or fencing.

#### **DESIGN REVIEW / VIEW PROTECTION FINDINGS:**

Because the project proposes changes to the external profile of the structure and is not exempt from a CDP (§17.72.070.C), §17.60.030 of the zoning ordinance requires Design Review and View Preservation findings to be made. The required findings are written in a manner to allow approval, without endorsing the project. However, if conflicting information is submitted at the public hearing or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

## Design Review Criteria

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: Minimal to no grading is required for the proposed project.
- B. *Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: The project is not located in or adjacent to any open space areas.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The proposed materials and colors are to match the existing structure as shown on the submitted elevation.
- 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.* Response: No changes in landscaping are proposed at this time. The property is already landscaped. Screening can be found to be unnecessary, because the structure is consistent with surrounding development and minimal changes are proposed.
- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No signs are proposed as part of this project.
- 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.* Response: No changes to the existing utilities are proposed. The existing utilities are already underground in this area of town.
- G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are proposed as part of this project.
- H. *When reviewing the design of commercial or residential buildings, the committee 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 two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand 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.* Response: The square footage of the multi-family structure is just under 4,000 sq. ft. The project will not change the existing square footage. The balconies provide additional architectural interest to the building.
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.* Response: No such development is proposed.

## **View Protection**

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: This project is not readily visible from any beach, trail or open space area.
- 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 subdivision 3 of this subsection.* Response: Due to the project location and adjacent development, it does not have the potential to block public views. The proposed patios/balconies will be consistent with surrounding development.
- C. *The committee 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 fifteen feet in height and one thousand five hundred 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 subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, 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 prevents the least possible view obstruction.* Response: The project will not be located on a vacant lot. Private views are not likely to be impacted due to the project's location and surrounding structures. The proposed patios/balconies will be consistent with surrounding development.
- 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.* Response: There was no residence that was destroyed by fire associated with this project.

- 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 one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred 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.* Response: The proposed project is not within 100 feet of the Memorial Lighthouse, the Cemetery, or the Tsurai Study Area. However, the structure is located only approximately 10 ft. from the Holy Trinity Church, one of the oldest structures in town. The patios/balconies will be located on the south side of the 4-plex, and not visible from the church. Therefore, it is not anticipated that this project would reduce the church's distinctiveness or subject it to abuse.

#### **STAFF RECOMMENDATION:**

Based on the above analysis, and as conditioned, the proposed patios/balconies can be found to be consistent with the City's Zoning Ordinance other than possibly §17.64.010 governing nonconforming uses and structures. General Plan and other policies and regulations, and the necessary findings for granting approval of the project can be made. The Planning Commission must determine whether the project meets the regulations governing nonconforming uses and structures. If so, and the Planning Commission agrees with the rest of staff's analysis, the project may be approved with the following motion:

Based on the information submitted in the application, and included in the staff report and public testimony, the project is consistent with applicable regulations, and I move to adopt the information and Design Review and View Protection findings in the staff report and approve the project as submitted and conditioned therein.

#### **PLANNING COMMISSION ALTERNATIVES**

If the Planning Commission does not agree with staff's analysis, or if information is presented during the hearing that conflicts with the information contained in the staff report, the Planning Commission has several alternatives.

- A. Alter the proposed conditions of approval to address any specific concerns on the part of the Commission or the public.
- B. Delay action / continue the hearing to obtain further information.
  - In this case, the Planning Commission should specify any additional information required from staff or the applicant and / or suggestions on how to modify the project and / or conditions of approval.
- C. Denial of the project.
  - The Planning Commission should provide a motion that identifies the Finding(s) that cannot be made and giving the reasons for the inability to make said Finding(s).

## CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk prior to building permits being issued.*
2. Based on the findings that community values may change in a year's time, approval of this Design Review is for a one-year period starting at the effective date and expiring thereafter unless the project has been initiated through issuance of a building permit or an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk prior to building permits being issued.*
3. Recommended conditions of the City Building Inspector shall be required to be met as part of the building permit application submittal. Grading, drainage and street improvements will need to be specifically addressed at the time of building permit application. *Responsibility: Building Inspector prior to building permits being issued.*

## ATTACHMENTS

- Applicant submitted plans (3 pages).





**EXISTING  
SOUTHERN ELEVATION**  
DO NOT SCALE



**PROPOSED  
SOUTHERN ELEVATION**  
1/8"=1'-0"

REVISIONS	BY

Atkins Drafting ~ Sarah J. Atkins  
2814 G STREET EUREKA, CA 95501  
PH. (707) 443-3492 RJS@atkins-drafting.com



**PROPOSED COVERED BALCONIES  
ELEVATIONS**

Date: MAY 03, '18  
Scale: AS NOTED  
Design: SJA  
Drawn: SJA  
Job:  
Sheet:





## MEMORANDUM

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**TO:** Trinidad Planning Commission

**FROM:** Trever Parker, City Planner

**DATE:** June 14, 2018

**RE:** Trinidad Parking and Camping Regulations

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Based on the request made at the last meeting, I searched for and provided you with the existing City regulations regarding parking and camping. The City Council meeting of June 14 will also have an agenda item regarding time limits for parking along the top of Edwards, which I can report on at the meeting. It appears that prohibitions on camping in public spaces and parking in one spot for more than 72 hours already exist in City ordinances. As I understand it being able to document violations is one of the most difficult barriers to enforcing these provisions, but that is not a land use issue. I have provided you with four ordinances:

1. Chapter 10.04: Traffic Regulations
2. Chapter 10.08: Parking
3. Chapter 10.10: Parking Citation Processing
4. Chapter 12.18: Public Grounds

At this time, I am suggesting this item be mostly an information only item, unless the Planning Commission wants to make some recommendations to the Council at this current meeting based on the materials already provided. If the Planning Commission wants to pursue this issue further, I suggest you consider it as part of the General Plan and Zoning Ordinance updates that are currently ongoing. In speaking with the City Manager, the City Council is already discussing this issue, and staff can't recommend taking any more time on this item, until some other priorities are completed. The General Plan update/LCP grant, OWTS permit implementation, Clean Beaches Grant and Stormwater and Van Wycke Trail environmental documents, all have deadlines later this year, and I haven't even had a chance to start on the new LCP grant.

## Chapter 10.04 TRAFFIC REGULATIONS

### Sections:

- 10.04.010 Definitions.
- 10.04.020 Enforcement – City marshal – Duties.
- 10.04.030 City marshal – Powers of enforcement.
- 10.04.040 City marshal – Placement and maintenance of traffic-control devices.
- 10.04.050 Specifications of traffic-control devices.
- 10.04.060 Legitimacy of traffic signs.
- 10.04.070 Designation of crosswalks.
- 10.04.080 Intersections requiring stop signs.
- 10.04.090 Speed limit.
- 10.04.100 Pedestrians.
- 10.04.110 Riding animals and animal drawn vehicles on roadways.
- 10.04.120 Stopping, standing or parking prohibited – No signs required.
- 10.04.130 Parking adjacent to schools.
- 10.04.140 Parking prohibited on narrow streets.
- 10.04.150 No stopping, standing or parking near hazardous or congested places.
- 10.04.160 Load restrictions upon vehicles using certain streets.
- 10.04.170 Violation – Penalty.

### 10.04.010 Definitions.

For the purposes of this chapter:

“Commercial vehicle” means every vehicle designed, maintained, or used primarily for the transportation of property.

“Crosswalk” means:

A. That portion of a crossway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;

B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

“Driver” means every person who drives or is in actual physical control of a vehicle.

“Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

“Official traffic-control devices” means:

A. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

B. "Traffic-control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

"Park," when prohibited, means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

"Pedestrian" means any person afoot.

"Person" means every natural person, firm, co-partnership, association or corporation.

"Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

"Stop," when required, means complete cessation of movement.

"Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. [Ord. 112 § 1, 1955].

#### **10.04.020 Enforcement – City marshal – Duties.**

It shall be the duty of the chief of police to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to the traffic in this city, to make arrests for traffic violations, to investigate accidents and to cooperate with the city council and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specifically imposed upon the chief of police by this chapter and any other traffic ordinances of this city. He shall keep a record of all violations of the traffic ordinances of this city. [Ord. 112 § 2, 1955].

#### **10.04.030 City marshal – Powers of enforcement.**

The city marshal, by and with the consent of the city council, is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergency or experimental conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days. [Ord. 112 § 3, 1955].

#### **10.04.040 City marshal – Placement and maintenance of traffic-control devices.**

The chief of police shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of the ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law, or to guide or warn traffic. [Ord. 112 § 6, 1955].

#### **10.04.050 Specifications of traffic-control devices.**

All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by the State Highway Commission. All signs and signals required hereunder for a peculiar purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so

erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices. [Ord. 112 § 7, 1955].

**10.04.060 Legitimacy of traffic signs.**

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. [Ord. 112 § 9, 1955].

**10.04.070 Designation of crosswalks.**

The chief of police, by and with the consent and approval of the city council, is authorized:

A. To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. [Ord. 112 § 11, 1955].

**10.04.080 Intersections requiring stop signs.**

The chief of police, by and with the consent of the city council, is authorized to determine and designate intersections where particular hazard exists and to determine whether vehicles shall stop at one or more entrances to any such stop intersection, and shall erect a stop sign at every such place where a stop is required. [Ord. 112 § 12, 1955].

**10.04.090 Speed limit.**

No vehicle shall be operated upon any street in any public or residential district in the city at a speed greater than that posted by the city. The chief of police shall erect or cause to be erected appropriate signs giving notice of such speed limits at such place as will accomplish such purposes; providing, however, that the speed limit in front of any school shall be 15 miles per hour and appropriate signs giving notice of such shall be erected. [Ord. 93-11 § 1, 1993; Ord. 112 § 21, 1955].

**10.04.100 Pedestrians.**

A. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

B. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

C. Pedestrians Walking Along Roadways.

1. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

2. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

D. Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. [Ord. 90-204 § 1, 1990; Ord. 112 § 22, 1955].

#### **10.04.110 Riding animals and animal drawn vehicles on roadways.**

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application. [Ord. 112 § 4, 1955].

#### **10.04.120 Stopping, standing or parking prohibited – No signs required.**

A. No person shall, stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public driveway;
3. Within an intersection;
4. Within 15 feet of a fire hydrant;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;
7. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
9. On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
10. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

C. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

D. No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale;
2. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency. [Ord. 112 § 23, 1955].

#### **10.04.130 Parking adjacent to schools.**

A. The chief of police, by and with the consent and approval of the city council, is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place. [Ord.

112 § 24, 1955].

**10.04.140 Parking prohibited on narrow streets.**

A. The chief of police, by and with the consent of the city council, is authorized to erect signs indicating no **parking** upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

B. When official signs prohibiting **parking** are erected upon narrow streets as authorized herein, no person shall **park** a vehicle upon any such street in violation of any such sign. [Ord. 112 § 25, 1955].

**10.04.150 No stopping, standing or parking near hazardous or congested places.**

A. The chief of police is authorized to determine and designate by proper signs, places not exceeding 100 feet in length in which the stopping, standing, or **parking** of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand, or **park** a vehicle in any such designated place.

C. The chief of police is authorized and instructed to erect and maintain signs prohibiting the **parking** of vehicles at any time on the following streets or portions of streets:

1. The north side of Main Street between View Street and Ocean Avenue. [Ord. 112 § 26, 1955].

**10.04.160 Load restrictions upon vehicles using certain streets.**

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of three tons at any time upon any street within the city limits of the city; excepting, however, U.S. Highway 101; provided, however, that commercial vehicles exceeding 10 tons gross weight may be operated on any such streets for the purpose of delivering or picking up materials or merchandise, but then only by the most direct route between U.S. Highway 101 and the point of destination. [Ord. 112.1 § 1, 1956; Ord. 112 § 27, 1955].

**10.04.170 Violation – Penalty.**

It is an infraction for any person to do any act forbidden or fail to perform any act required in this chapter. No person shall willfully fail or refuse to comply with any lawful order or direction of the chief of police. Any person violating this chapter shall be subject to such lawful fine or punishment as the court may direct. [Ord. 90-204 § 2(N), 1990; Ord. 112 § 5, 1955].

## Chapter 10.08 PARKING

Sections:

**10.08.010 Prohibited parking.**

**10.08.020 Seventy-two-hour parking limit.**

### **10.08.010 Prohibited parking.**

When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on any of the streets or alleys enumerated by resolution of the city council. [Ord. 87-196 § 1, 1988].

### **10.08.020 Seventy-two-hour parking limit.**

It shall be unlawful for any vehicle to be parked on any street or alley for 72 or more consecutive hours. Any such vehicle parked or left standing in violation of this section may be removed by order of a city police officer. [Ord. 2010-02 § 1, 2010].

[Mobile Version](#)

## Chapter 10.10 PARKING CITATION PROCESSING

Sections:

- 10.10.010 Title.**
- 10.10.020 Definitions.**
- 10.10.030 Authority.**
- 10.10.040 Authority to conduct administrative review process – Hearing officer – Procedures.**
- 10.10.050 Process by which parking citations must be issued.**
- 10.10.060 Parking penalties.**
- 10.10.070 Parking penalties received by date fixed – No contest – Request to contest.**
- 10.10.080 Parking penalties not received by date fixed.**
- 10.10.090 Notice of delinquent parking violation – Contents.**
- 10.10.100 Copy of citation upon request by registered owner.**
- 10.10.110 Affidavit of nonliability – Leased or rented vehicle.**
- 10.10.120 Affidavit of nonliability – Sale.**
- 10.10.130 Contesting parking citation – Procedure.**
- 10.10.140 Collection of unpaid parking penalties.**
- 10.10.150 Obligation of police department once parking penalty paid.**
- 10.10.160 Deposit of parking penalties with the city.**
- 10.10.170 Filing of annual reports.**

**10.10.010 Title.**

This chapter shall be known as the parking citation processing ordinance of the city of Trinidad. [Ord. 99-1 § 2, 1999].

**10.10.020 Definitions.**

Except where the context otherwise requires, the definitions provided in this section shall govern the construction of this chapter.

“Agency” shall mean the “police department” as defined in this section.

“City” shall at all times refer to the city of Trinidad.

“Contestant” shall mean any “operator” or “registered owner” as defined in this section who contests a parking citation.

“Hearing examiner” shall mean any individual selected by the city, or if the city elects to contract for parking citation processing services, that individual selected by the police department authorized to administratively adjudicate parking citation contests.

“Issuing agency” shall mean the city or its authorized agent that issues parking citations.

“Issuing officer” shall mean a peace officer as defined in California Penal Code Chapter 4.5 (commencing with Section 830) of Title 3, or the successor statutes thereto, or other issuing officer who is authorized to issue a parking citation.

“Operator” shall mean any individual driving and/or in possession of a vehicle at the time a citation is issued or the registered owner.

“Parking citation” shall mean a notice that is personally given or mailed to the operator, or attached to the operator’s vehicle, informing the operator of a parking, equipment and/or other vehicle violation and the operator’s right to elect to pay the fine for the violation or contest the citation.

“Parking penalty” includes, but is not limited to, the parking penalty for the particular violation, as well as late payment penalties, administrative fees, assessments, costs of collection as provided by law, and other related fees.

“Police department” shall mean the city.

“Processing officer” shall mean the person assigned by the chief of police, within the police department, to process citations.

“Registered owner” shall mean the individual or entity whose name is recorded with the Department of Motor Vehicles as having ownership of a particular vehicle.

“Vehicle” shall mean any self-propelled vehicle operated or suitable for operation on a highway.

“Violation” shall mean any parking, equipment or other vehicle violation as established pursuant to state law or local ordinance. [Ord. 99-1 § 3, 1999].

**10.10.030 Authority.**

The city may issue and/or process parking citations and notices of delinquent parking violations. This section shall provide for periodic distribution of amounts collected between the parties, except amounts payable to the county pursuant to California Government Code Chapter 12 (commencing with Section 76000) of Title 8, or the successor statutes thereto, and amounts payable to the department pursuant to California Vehicle Code Section [4763](#) or the successor statute thereto. [Ord. 99-1 § 4, 1999].

**10.10.040 Authority to conduct administrative review process – Hearing officer – Procedures.**

The police department may review appeals or other objections to a parking citation pursuant to the procedures set forth in this section.

A. For a period of 21 days from the issuance of the parking citation, or 10 days from the mailing of the notice of delinquent parking citation, an operator may request initial review by the police department. The request for initial review may be made in writing, by telephone or in person.

B. The initial review by the police department shall consist of those procedures outlined in TMC [10.10.130\(A\)\(1\)](#).

C. If the operator is dissatisfied with the results of the initial review, the operator may contest the parking citation or notice of delinquent parking violation through an administrative hearing review process as outlined in TMC [10.10.130](#).

In order to contest the parking citation, the operator must deposit with the police department the full amount of the parking penalty on or before the fifteenth day following the mailing to that operator of the results of the police department’s initial review. At the same time, the operator must provide a written explanation of the reason or reasons for contesting the parking citation on a form provided by the police department. If the operator is unable to deposit the full amount of the parking penalty, the operator must provide verifiable and substantial proof of an inability to deposit the parking penalty. Upon presentation of such proof, the police department shall proceed with the contest procedure despite the operator’s failure to

deposit the full amount of the parking penalty. If it is ultimately determined that the operator is not liable for the parking violation, then the full amount of the parking penalty deposited shall be refunded or credited.

The contestant may contest the parking citation either by written declaration, on forms provided by the police department, or by personal appearance before a hearing examiner.

D. Notwithstanding the provisions of subsection (C) of this section, if the vehicle has been immobilized or impounded for unpaid parking citations, the police department shall permit the registered owner of the vehicle to contest the parking citations upon which the seizure was based, without requiring a deposit of the parking penalty; provided, that the vehicle remains under the control of the immobilizing or impounding agency.

E. The police department shall provide, through an administrative policy, a procedure for contesting parking citations and notices of delinquent parking violations. [Ord. 99-1 § 5, 1999].

**10.10.050 Process by which parking citations must be issued.**

Parking citations shall be issued in accordance with the following procedures:

A. If a vehicle is unattended at the time that the parking citation is issued for a parking violation, the issuing officer shall securely attach to the vehicle the parking citation setting forth the violation, including reference to the section of the California Vehicle Code, the city's ordinances, or other parking regulation violated; the approximate time of the violation; the location of the violation; and the date by which the operator is to deposit the parking penalty or contest the parking citation pursuant to TMC [10.10.130](#). The citation shall state the amount of the parking penalty and the address of the agent authorized to receive deposit of the parking penalty.

The parking citation shall also set forth the vehicle license number and registration expiration date, if such date is visible; the last four digits of the vehicle identification number, if that number is visible through the windshield; the color of the vehicle; and, if possible, the make of the vehicle.

B. The parking citation or copy thereof shall be considered a record kept in the ordinary course of business of the issuing agency and the police department, and shall be prima facie evidence of the facts contained therein.

C. Once the parking citation is prepared and attached to the vehicle pursuant to subsection (A) of this section, the issuing officer shall file notice of the parking violation with the processing officer.

D. If during issuance of the parking citation, without regard to whether the vehicle was initially attended or unattended, the vehicle is driven away prior to attaching the parking citation to the vehicle, the issuing officer shall file the notice with the police department. The police department shall mail, within 15 days of issuance of the parking citation, a copy of the parking citation to the registered owner.

E. If after a copy of the parking citation is attached to the vehicle, or personally given to the operator, the issuing agency or the issuing officer determines that the issuing officer was in error in issuing the parking citation, the issuing officer or the issuing agency may recommend, in writing, that the parking citation be canceled. The recommendation shall state the reason or reasons for cancellation and shall be filed with the police department.

Under no circumstance shall a personal relationship with any public official, officer, issuing officer, or law enforcement agency be grounds for cancellation.

F. If a police department makes a finding that there are grounds for cancellation as set forth in the city's administrative policy, or pursuant to any other basis provided by law, then the finding or findings shall be filed with the police department, and the parking citation shall be canceled pursuant to TMC [10.10.130\(A\)](#) (1). [Ord. 99-1 § 6, 1999].

**10.10.060 Parking penalties.**

A. Parking penalties shall be established by resolution of the city council of Trinidad.

B. All parking penalties received by the police department shall accrue to the benefit of the city. [Ord. 99-1 § 7, 1999].

**10.10.070 Parking penalties received by date fixed – No contest – Request to contest.**

If the parking penalty is received by the police department and there is no contest by the date fixed on the parking citation, all proceedings as to that parking citation shall terminate.

If the operator contests the parking citation, the police department shall proceed in accordance with TMC [10.10.130](#). [Ord. 99-1 § 8, 1999].

**10.10.080 Parking penalties not received by date fixed.**

If payment of the parking penalty is not received by the police department by the date fixed on the parking citation, the police department shall deliver to the registered owner a notice of delinquent parking violation pursuant to TMC [10.10.090](#). Delivery of a notice of delinquent parking violation may be made by personal service or by first class mail addressed to the registered owner of the vehicle as shown on the records of the department. [Ord. 99-1 § 9, 1999].

**10.10.090 Notice of delinquent parking violation – Contents.**

The notice of delinquent parking violation shall contain the information required to be included in a parking citation pursuant to TMC [10.10.050](#). The notice of a delinquent parking violation shall also contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within 10 days after mailing the notice of delinquent parking violation or completes and files an affidavit of nonliability that complies with TMC [10.10.110](#) or [10.10.120](#), the vehicle registration shall not be renewed until the parking penalties have been paid. In addition, the notice of delinquent parking violation shall contain, or be accompanied by, an affidavit of nonliability and information of what constitutes nonliability, information as to the effect of executing an affidavit, and instructions for returning the affidavit to the issuing agency.

If the parking penalty is paid within 10 days after the mailing of the notice of delinquent parking violation, no late penalty or similar fee shall be charged to the operator. [Ord. 99-1 § 10, 1999].

**10.10.100 Copy of citation upon request by registered owner.**

A. Within 15 days of request, made by mail or in person, the police department shall mail or otherwise provide to the registered owner, or the registered owner's agent who has received a notice of delinquent parking violation, a copy of the original parking citation. The issuing agency may charge a fee sufficient to cover the actual cost of copying and/or locating the original parking citation, not to exceed \$2.00. Until the police department complies with a request to provide a copy of the parking citation, the police department may not proceed to immobilize the vehicle in question merely because the registered owner has received five or more outstanding parking violations over a period of five or more days.

B. If the description of the vehicle on the parking citation does not substantially match the corresponding information on the registration card for that vehicle the police department shall, on written request of the operator, cancel the notice of parking violation. [Ord. 99-1 § 11, 1999].

#### **10.10.110 Affidavit of nonliability – Leased or rented vehicle.**

A registered owner shall be released from liability for a parking citation if the registered owner files with the police department an affidavit of nonliability in a form satisfactory to the police department and such form is returned within 30 days after the mailing of the notice of delinquent parking violation together with proof of a written lease or rental agreement between a bona fide rental or leasing company and its customer which identifies the renter or lessee and provides the operator's driver's license number, name, and address. The police department shall serve or mail to the renter or lessee identified in the affidavit of nonliability a notice of delinquent parking violation. The police department shall inform the renter or lessee that he or she must pay the full amount of the fine, or provide notice to the police department that he or she intends to contest the parking citation pursuant to TMC [10.10.130](#) within 15 days of the mailing of the notice of delinquent parking violation. If the police department does not receive payment of the parking citation or does not receive notice of an intent to contest within 15 days, the police department may proceed against the renter or lessee pursuant to TMC [10.10.140](#). [Ord. 99-1 § 12, 1999].

#### **10.10.120 Affidavit of nonliability – Sale.**

A registered owner of a vehicle shall be released from liability for a parking citation issued to that vehicle if the registered owner served with a notice of delinquent parking violation, an affidavit of nonliability together with proof that the registered owner served with a notice of delinquent parking violation has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation. The police department shall obtain verification from the Department of Motor Vehicles that the former owner has complied with the requirements necessary to release the former owner from liability pursuant to California Vehicle Code Section [5602](#) or the successor statute thereto.

If the registered owner has complied with California Vehicle Code Section [5602](#), or the successor statute thereto, the police department shall cancel the notice of delinquent parking violation with respect to the registered owner.

If the registered owner has not complied with the requirements necessary to release the owner from liability pursuant to California Vehicle Code Section [5602](#), or the successor statute thereto, the police department shall inform the registered owner that the citation must be paid in full or contested pursuant to TMC [10.10.130](#). If the registered owner does not comply, the police department shall proceed pursuant to TMC [10.10.140](#). [Ord. 99-1 § 13, 1999].

#### **10.10.130 Contesting parking citation – Procedure.**

A. If an operator or registered owner contests a parking citation or a notice of delinquent parking violation, the police department shall do all of the following:

1. First, either investigate with its own records and staff or request that the issuing agency investigate the circumstances of the citation with respect to the contestant's written explanation of the reason or reasons for contesting the parking citation.

If, based on the results of that investigation, the police department is satisfied that the violation did not occur, because the registered owner was not responsible for the violation by virtue of having sold, rented, or leased the vehicle, or because legally supportable or mitigating circumstances as set forth in the city's administrative policy warrant a dismissal, the police department shall cancel the parking citation, and make an adequate record of the reason or reasons for canceling the parking citation. The police department shall mail the results of the investigation by first class mail to the contestant within 10 days of the decision.

2. If the contestant is not satisfied with the results of the investigation provided for in subsection (A) (1) of this section, the contestant may, within 15 days of the mailing of the results of the initial

investigation, deposit the amount of the parking penalty and other related fees or provide proof of an inability to deposit the parking penalty, and request an administrative review.

3. If the contestant prevails at the administrative hearing, then the full amount of the parking penalty deposited shall be refunded.

B. The administrative review procedure shall consist of the following:

1. The contestant shall make a written request for administrative review on a form and in a manner satisfactory to the police department, and may request to contest the parking citation either in person or by written declaration.

2. If the contestant is a minor, that person shall be permitted to appear at a hearing or admit responsibility for a parking citation without the necessity of the appointment of a guardian. The police department may proceed against the minor in the same manner as if the minor were an adult.

3. The administrative review shall be conducted before an examiner designated to conduct the review by the city council or by the police department.

C. The issuing officer shall not be required to participate in an administrative review. The issuing agency shall not be required to produce any evidence other than the parking citation or copy thereof, and information received from the department identifying the registered owner of the vehicle. This documentation in proper form shall be considered prima facie evidence of the violation.

D. The hearing examiner's final decision shall be in writing and delivered personally to the contestant or the contestant's agent, or delivered by first class mail within 10 working days following the hearing.

E. If the contestant is not the registered owner of the vehicle, all notices to the contestant required under this section shall also be given to the registered owner by first class mail. [Ord. 99-1 § 14, 1999].

#### **10.10.140 Collection of unpaid parking penalties.**

Except as otherwise provided below, the police department shall proceed under subsection (A) or (B) of this section, but not both, in order to collect an unpaid parking penalty.

A. File an itemization of unpaid parking penalties and other related fees with the department for collection pursuant to the California Vehicle Code Section [4760](#) or the successor statute thereto.

B. If more than \$400.00 in unpaid parking penalties and other related fees have been accrued by any one registered owner or the registered owner's renter, lessee or sales transferee, proof thereof may be filed with the court which has the same effect as civil judgment. Execution may be levied and such other measures may be taken for the collection of the judgment as are authorized for the collection of unpaid civil judgments entered against a defendant in an action against a debtor.

The police department shall send notice by first class mail to the registered owner or renter, lessee, or sale transferee indicating that civil judgment has been filed and the date that the judgment shall become effective. The notice shall also indicate the time: that execution may be levied against that person's assets, that liens may be placed against that person's property, that the person's wages may be garnished, and that other steps may be taken to satisfy the judgment. The notice shall also state that the police department will terminate the commencement of a civil judgment proceeding if all parking penalties and other related fees are paid prior to the date set for hearing. If judgment is entered, then the city may file a writ of execution or an abstract with the court clerk's office identifying the means by which the civil judgment is to be satisfied.

If a judgment is rendered for the police department, that agency may contract with a collection agency licensed pursuant to California Business and Professions Code Chapter 8 (commencing with Section 6850) of Division 3, or the successor statutes thereto, to collect the judgment.

The police department shall pay the established first paper civil filing fee at the time an entry of civil judgment is requested.

C. If the registration of the vehicle has not been renewed for 60 days beyond the renewal date, and the citation has not been collected by the department pursuant to the California Vehicle Code Section [4760](#), or the successor statute thereto, then the police department may file proof of unpaid penalties and fees with the court which has the same effect as a civil judgment as provided in subsection (B) of this section.

D. The police department shall not file a civil judgment with the court relating to a parking citation filed with the department unless the police department has determined that the registration of the vehicle has not been renewed for 60 days beyond the renewal date and the citation has not been collected by the department pursuant to California Vehicle Code Section [4760](#) or the successor statute thereto. [Ord. 99-1 § 15, 1999].

**10.10.150 Obligation of police department once parking penalty paid.**

A. If the operator or registered owner served with notice of delinquent parking violation, or any other person who presents the parking citation or notice of delinquent parking violation, deposits the penalty with the person authorized to receive it, the police department shall do both of the following:

1. Upon request, provide the operator, registered owner, or the registered owner's agency with a copy of the citation information presented in the notice of delinquent parking violation. The police department shall, in turn, obtain and record in its records the name, address and driver's license number of the person actually given the copy of the citation information.
2. Determine whether the notice of delinquent parking violation has been filed with the department or a civil judgment has been entered pursuant to TMC [10.10.140](#).

B. If the police department receives full payment of all parking penalties and other related fees and the police department has neither filed a notice of delinquent parking violation nor entered a civil judgment, then all proceedings for that citation shall cease.

C. If the notice of delinquent parking violation has been filed with the department and has been returned by the department pursuant to the provisions of the California Vehicle Code and payment of the parking penalty has been made, along with any other related fees, then the proceedings for that citation shall cease.

D. If the notice of delinquent parking violation has been filed with the department and has not been returned by the department, and payment of the parking penalty along with any other fees applied by either the department or the police department or both have been made, the police department shall do all of the following:

1. Deliver a certificate of payment to the operator, or other person making payment;
2. Within five working days transmit payment information to the department in the manner prescribed by the department;
3. Terminate proceedings on the notice of delinquent parking violations;
4. Deposit all parking penalties and other fees as required by law. [Ord. 99-1 § 16, 1999].

**10.10.160 Deposit of parking penalties with the city.**

All parking penalties collected, including process service fees and costs related to civil debt collection, shall be deposited into an account of the city. [Ord. 99-1 § 17, 1999].

**10.10.170 Filing of annual reports.**

The police department shall prepare an audited report at the end of each fiscal year setting forth the number of cases processed, and all sums received and distributed, together with any other information that may be specified by the city or the State Controller. The report is a public record and shall be delivered to the city and its authorized issuing agency. [Ord. 99-1 § 18, 1999].

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## Chapter 12.18 PUBLIC GROUNDS

Sections:

**12.18.010 Overnight use prohibited.**

**12.18.020 Exceptions.**

**12.18.030 Use of public buildings and grounds prohibited without permission.**

### **12.18.010 Overnight use prohibited.**

There shall be no **camping** or loitering on public grounds or in public buildings between dusk and sunrise unless a permit for such use is issued by the city council. [Ord. 93-9 § 1, 1993].

### **12.18.020 Exceptions.**

The city council may, from time to time, authorize overnight **camping** in those parks, buildings and grounds so designated by resolution. [Ord. 93-9 § 1, 1993].

### **12.18.030 Use of public buildings and grounds prohibited without permission.**

No individuals or group may use public buildings or grounds without first obtaining permission from the city of Trinidad, except for normal leisure and recreational use of city parks, and playground facilities when such use does not preclude or discourage similar use by others. [Ord. 93-9 § 1, 1993].

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