



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: May 15, 2014

RE: Reinman 2013-11A Supplemental Packet Materials

This memo provides a brief summary of the supplemental materials that have been provided for the continued Reinman hearing at this month's meeting.

You should have all received a packet of copies of everything that was in the Reinman building permit file as requested at the last meeting.

It was my understanding that one of the reasons that the Planning Commission wanted to review the building permit file was to get more information about exactly what construction and changes had occurred on the back unit without permits. That level of detail was not included in the building file. Therefore, I asked the applicant to provide a list of the work that was done. It is fairly general, but should give you a better idea as to what activities have taken place. I have also included some notes on that list indicating what permits, if any, should have been procured prior to the work.

At the last meeting it was also suggested that the Planning Commission review the Preller 2000-02 file as a precedent for making a decision on the Reinman application. That project, located next door to the Reinmans (435 Ocean, now owned by Mr. Davies and Ms. Lake), proposed to demolish and rebuild the house (1400 sq. ft.) and convert a portion (240 sq. ft.) of the rear, detached garage into office space on an 8,360 sq. ft. lot (which is approximately 650 sq. ft. smaller than the Reinman lot). I found a memo that I wrote in 2002 explaining the results of that process. Some of the information used in the memo came from the minutes from the Planning Commission meetings, since the file did not reflect the circumstances of the denial.

However, the memo does not provide a complete picture of the project. Another project (99-02) proposed by the same applicant was approved the previous year. (Note that, in contrast to the memo, I believe the emergency temporary caretaker residence was actually approved in 1996.) The 1999 proposal was to demolish the existing house and build a 2-story, 2,000 sq. ft. house with an additional 240 sq. ft. office in the garage. This was a period of time in which the

Planning Commission was making a fairly strict interpretation of the 2,000 sq. ft. maximum residence size guideline in the Design Review findings due to concerns over the increasing size of residences in Trinidad. The Planning Commission approved the 1999 proposal, but without the office in the detached garage, because that would have brought the residential floor area above 2,000 sq. ft., and because the house was two stories and all the adjacent development is single-story. The approval also required the incomplete shower to be removed from the garage to ensure that it could not be used as a second residence. (As described in the Reinman staff report, this has been a fairly common and consistent requirement.) The applicant was not happy with the Planning Commission's approval, and therefore redesigned the project, resulting in the 2000-02 application that was denied due to the applicant not attending the hearings. The house was actually put up for sale prior to those Planning Commission hearings.

Due to some controversies over the strict 2,000 sq. ft. guideline (which appears to be part of the reason Ms. Preller gave up her project and sold the property), the Planning Commission started to relax that standard somewhat. The 25% floor-to-area ratio was developed at this time in order to consider square footage on a case-by-case basis based on the size of the lot. Though residential floor area and mansionization are still concerns, the Planning Commission considers both the 25% standard and the design review allowance for larger structures, if they are "designed and situated in such a way that their bulk is not obtrusive" (§17.60.040). Based on this guideline, the Planning Commission has allowed fairly large floor areas, particularly when no significant external changes are proposed to a building (e.g. creating living space in an existing attic), because the actual bulk of the structure does not increase.

Though not specifically requested, from what I heard at the meeting, I also felt that the Planning Commission would benefit from a little more history regarding the Reinman second unit violation. To this end, I have provided you with a memo that I wrote to the Council in 2011 that includes a summary of the violation up to that time. I did send the courtesy letter described in the memo. At that time, the City had just adopted its Accessory Dwelling Unit (ADU) ordinance that potentially would have allowed a second unit to be permitted on this property. Therefore, one of the options given to the Reinmans was to submit an application for an ADU, which they did. The City then found out that the ADU ordinance could not be implemented at all until it had been certified by the Coastal Commission. Therefore, the Reinmans ADU application was put on hold while the City applied to the Coastal Commission for an LCP amendment to add the ADU ordinance. As described in the current staff report (Reinman 2013-11A), that process has moved nowhere, the applicants/property no longer meet the requirements for an ADU, and the City has continued to receive complaints about the use of the unpermitted ADU. Therefore, I wrote a second courtesy letter in October last year that I have also attached, which explains the situation as it currently stands. If you would like more detail regarding the property and the ADU violation, all correspondence is available in the file (APN: 042-062-12) at City Hall.

CITY OF TRINIDAD

№ 000021

BUILDING PERMIT APPLICATION

P.O. BOX 390
TRINIDAD, CA 95570
PHONE: (707) 677-0223

BUILDING • PLUMBING • ELECTRICAL • MECHANICAL

OWNER <u>Mike Reiman</u>				PLUMBING		FEES	
MAIL ADDRESS <u>89 E 15th St, Arcata 95521</u>				FIXTURE AND OR TRAPS			
PROJECT LOCATION <u>407 Ocean Ave, Back Unit</u>				BUILDING SEWER			
CONTRACTOR _____ LICENSE NO. _____				WATER SYSTEM AND OR TREAT' MT EQUIP.			
ARCHITECT-DESIGNER-ENGINEER-DRAFTSMAN-OWNER _____				RAINWATER DRAIN SYSTEM			
LENDER _____				WATER HEATER AND OR VENT			
BRANCH _____ ADDRESS _____				GAS SERVICE AND OUTLETS			
USE OF STRUCTURE <u>Was boat repair site</u>				WASTE PRE-TREATMENT INCEPTOR			
<input type="checkbox"/> ERECT <input type="checkbox"/> ADDITION <input type="checkbox"/> RELOCATE <input type="checkbox"/> OCCUPANCY CHG <input checked="" type="checkbox"/> ALTER <input type="checkbox"/> REPAIR <input type="checkbox"/> DEMOLISH <input type="checkbox"/> OTHER				ISSUANCE FEE			
<input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PUBLIC <input checked="" type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC				TOTAL PLUMBING PERMIT			
DESCRIBE WORK <u>Will hire Licensed Electrician and Plumber to ensure work is done to current building codes.</u>				MECHANICAL		FEES	
WORK WILL COMMENCE WITHIN 60 DAYS AFTER DATE OF ISSUANCE OF PERMIT. WORK STOPPAGE FOR A PERIOD OF 120 DAYS OR MORE REQUIRES PERMIT RENEWAL AT ONE HALF THE COST OF THE BUILDING PERMIT FEES IF REQUESTED WITHIN ONE YEAR OF STOPPAGE.				GAS OR OIL FURNACES			
IN COMPLIANCE WITH SEC. 3800, LABOR CODE, STATE OF CALIFORNIA: "I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THIS PERMIT IS ISSUED I SHALL NOT EMPLOY ANY PERSON IN ANY MANNER SO AS TO BECOME SUBJECT TO THE WORKMAN'S COMPENSATION LAWS OF THE STATE OF CALIFORNIA"; OR "I AM HEREWITH FILING A CERTIFICATE OF WORKMAN'S COMPENSATION INSURANCE, ISSUED BY AN ADMITTED INSURER, OR A CERTIFICATE OF CONSENT TO SELF-INSURE ISSUED BY THE DIRECTOR OF PUBLIC RELATIONS".				REPLACEMENT VENTS			
WORKMAN'S COMP. POLICY NO. _____ SELF-INSURER CERTIFICATE NO. _____ DATE OF EXPIRATION _____ I AM PRESENTLY A DULY LICENSED CALIFORNIA CONTRACTOR LICENSE NO. _____ OR I AM UNLICENSED AND CLAIM EXEMPTION BY VIRTUE OF SECTIONS 7040 THROUGH 7053 OF THE BUSINESS AND PROFESSIONS CODE.				REPAIR OF HEATING OR COOLING APPL.			
I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION. I FURTHER AGREE TO, AND HEREBY DO GRANT TO THE BUILDING DEPARTMENT, ITS AGENTS, EMPLOYEES, OR AGENTS, OR ANY PERSON PROPERLY DESIGNATED BY THEM THE RIGHT TO ENTER ON THE PREMISES DESCRIBED HEREIN ABOVE, AT ALL TIMES DURING THE LIFE OF THIS PERMIT, FOR THE PURPOSE OF MAKING SUCH INSPECTIONS AND TESTS AS MAY BE REQUIRED TO ASCERTAIN FULL COMPLIANCE WITH THE LAWS OF THIS STATE AND THE ORDINANCES OF THIS COUNTY OF HUMBOLDT.				BOILERS			
SIGNATURE OF APPLICANT <u>[Signature]</u> DATE <u>1-7-14</u>				SEPARATE AIR-HANDLING UNITS			
I AM THE <input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> CONTRACTOR				FIXED AIR COOLING UNITS			
SPECIAL APPROVALS:				VENT HOODS			
REQ'D NOT REQ'D APPROVED BY DATE				INCINERATORS			
PLANNING DEPT. _____ HEALTH DEPT. _____ PUBLIC WORKS _____ FIRE DEPT. _____ SOIL REPORT _____				ISSUANCE FEE			
PROJECT DESCRIPTION:				TOTAL MECHANICAL PERMIT			
TYPE OF CONST. _____ OCCUPANCY _____ NO. OF STORIES _____ FIRE ZONE _____ USE ZONE _____ OCCUP. LOAD _____ NO OF UNITS _____ NO OF PARKING _____ SPRINKLERS REQ'D _____ EXISTING, NEW SQ. FT. _____ AT \$ _____ = _____ EXISTING, NEW SQ. FT. _____ AT \$ _____ = _____ EXISTING, NEW SQ. FT. _____ AT \$ _____ = _____				ELECTRICAL		FEES	
TOTAL VALUATION \$ _____				OUTLETS AND LAMP HOLDERS			
OFFICE COPY APN: _____				MAIN SERVICE _____ AMPS			
WHEN PROPERLY VALIDATED WITH RECEIPT NO. THIS IS YOUR PERMIT				MOTORS _____ H.P. SIZE			
TOTAL OF FEES				MOTORS _____ H.P. SIZE			
PLAN CHECK APPROVAL BY _____ PERMIT ISSUED BY _____				SIGNS			
TOTAL BUILDING PERMIT				GENERATORS			
TOTAL OF FEES				ROOM HEATERS			
TOTAL VALUATION \$				ELECTRIC APPLIANCES			
OFFICE COPY APN:				COMFORT COOLING			
WHEN PROPERLY VALIDATED WITH RECEIPT NO. THIS IS YOUR PERMIT				DRYERS AND RANGES			
TOTAL VALUATION \$				ISSUANCE FEE			
OFFICE COPY APN:				TOTAL ELECTRICAL PERMIT			
WHEN PROPERLY VALIDATED WITH RECEIPT NO. THIS IS YOUR PERMIT				OTHER		FEES	
TOTAL VALUATION \$				SEISMIC @ 7¢/M			
OFFICE COPY APN:				TOTAL OTHER PERMIT			
WHEN PROPERLY VALIDATED WITH RECEIPT NO. THIS IS YOUR PERMIT				BUILDING		FEES	
TOTAL VALUATION \$				BUILDING PERMIT			
OFFICE COPY APN:				PLAN CHECK			
WHEN PROPERLY VALIDATED WITH RECEIPT NO. THIS IS YOUR PERMIT				TANK SETS			
TOTAL VALUATION \$				FIREPLACE			
OFFICE COPY APN:				EXCAVATION AND OR FILL			
WHEN PROPERLY VALIDATED WITH RECEIPT NO. THIS IS YOUR PERMIT				SIGN STRUCTURE			
TOTAL VALUATION \$				TOTAL BUILDING PERMIT			
OFFICE COPY APN:				TOTAL OF FEES			
WHEN PROPERLY VALIDATED WITH RECEIPT NO. THIS IS YOUR PERMIT							



John Roberts <jhnr633@gmail.com>

Floor Plans attached for front house at 407 Ocean Ave

1 message

Mike Reinman <mgmt@redwoodcoastvacationrentals.com>

Tue, Apr 1, 2014 at 10:26 AM

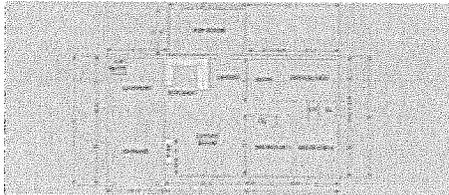
To: Trevor Parker <trevor@streamlineplanning.net>, John Roberts <jhnr633@gmail.com>

Hi Trevor & John,

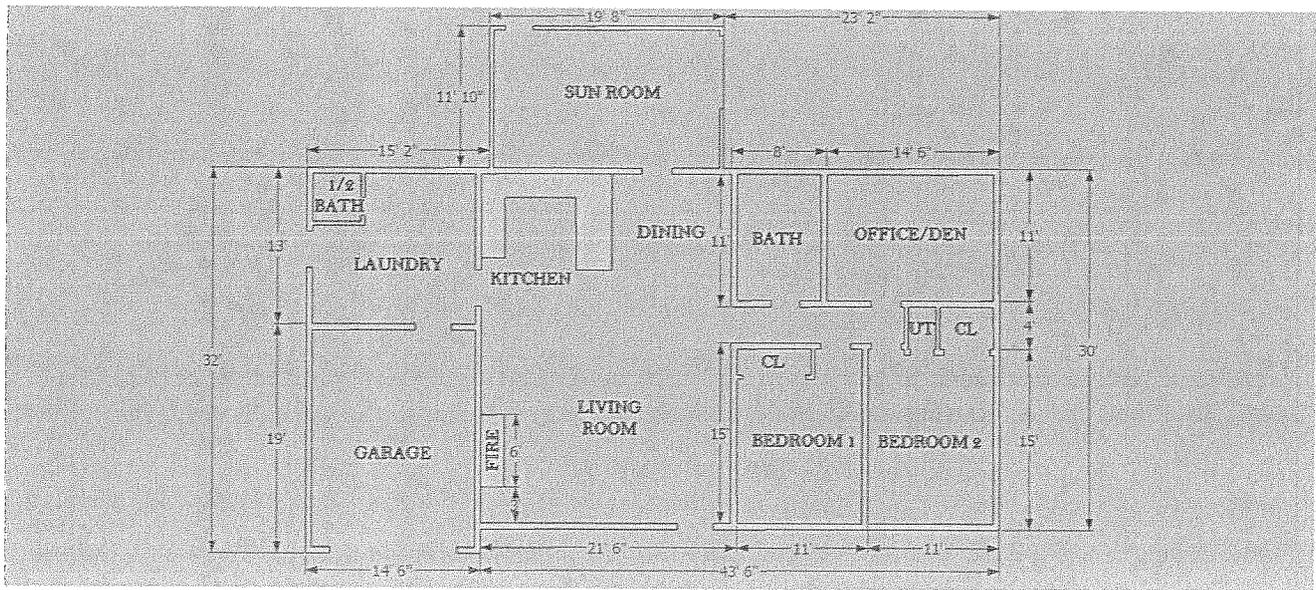
Attached is the floor plan for the front house. John, I will see you Thursday morning. Trevor, is there a sign that you want to send me that I can fasten to the back outside wall again for folks to see about the public hearing? I am heading over there in a few hours and can bring it with me.

Regards,

Mike & Hope Reinman

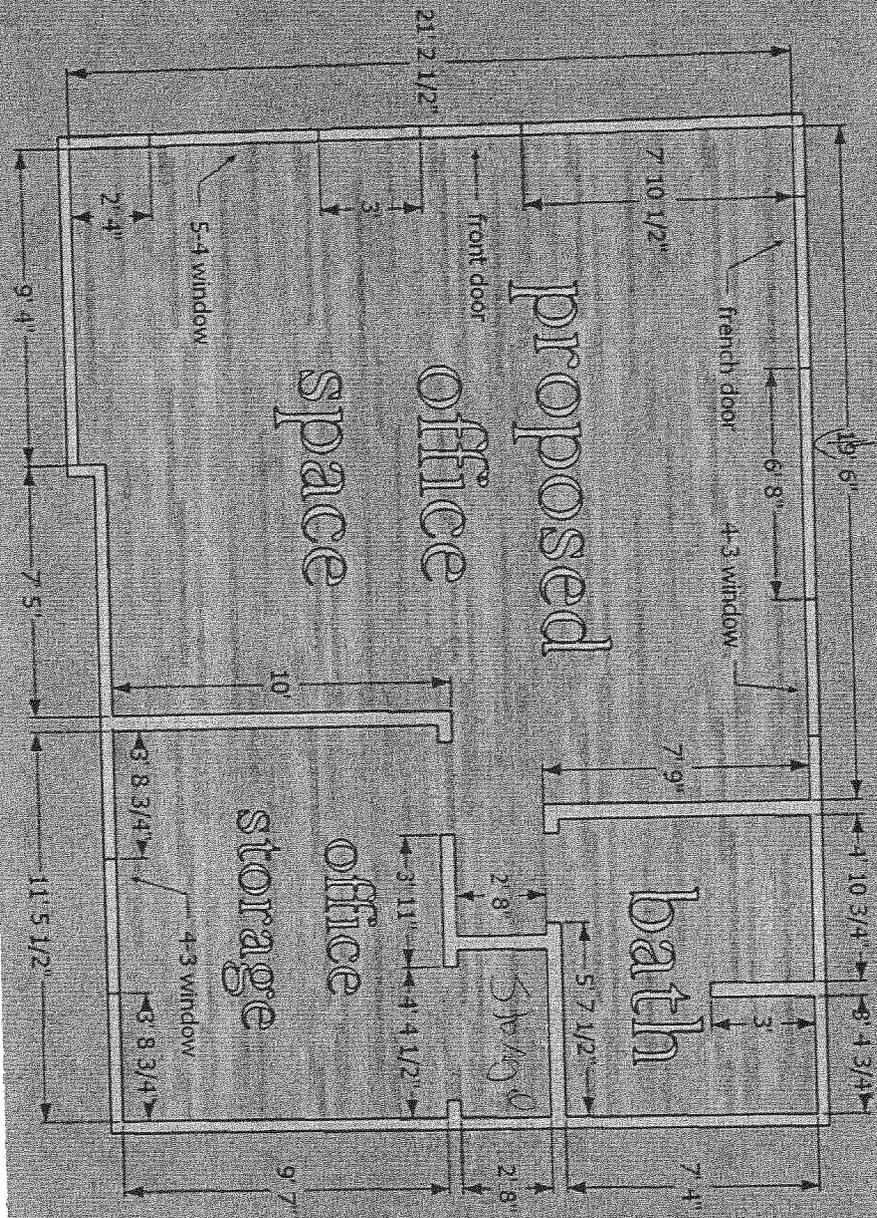


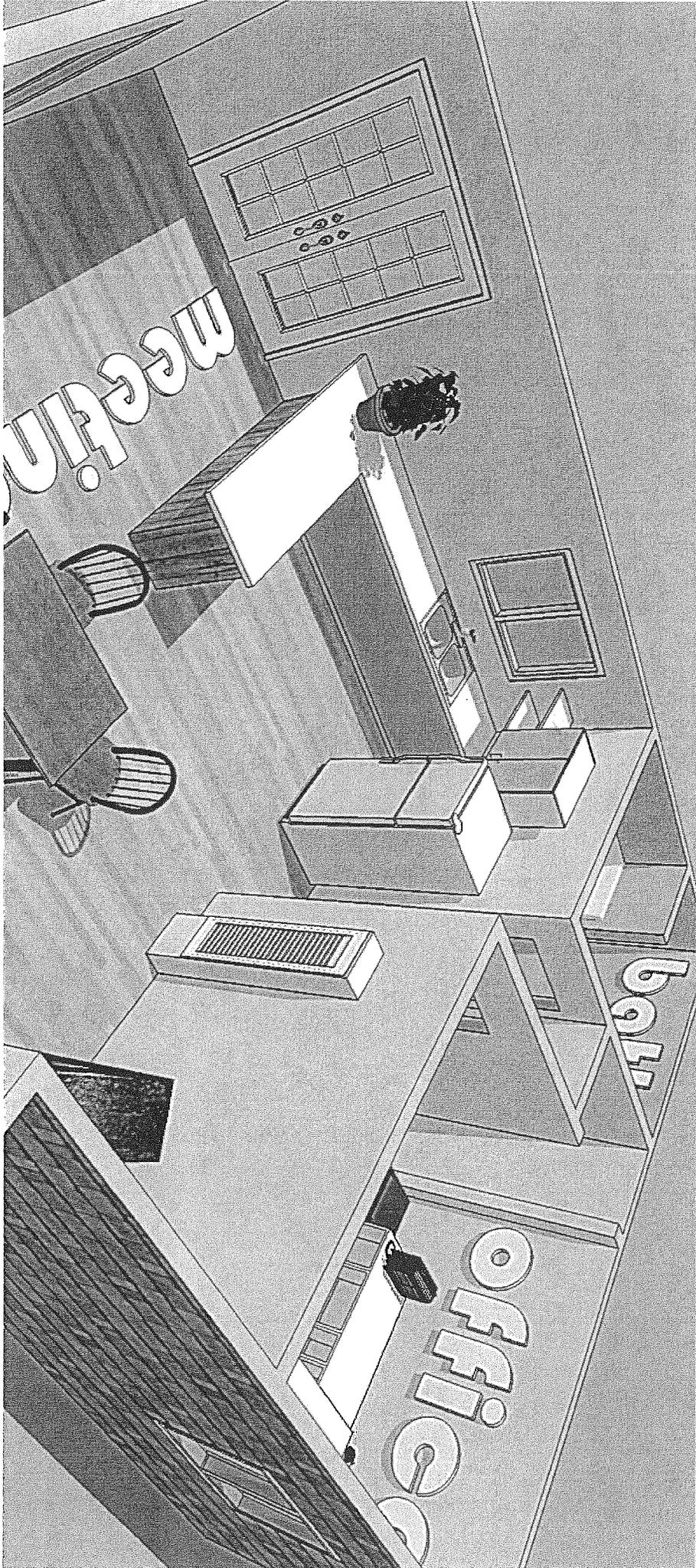
407 Ocean Front House Floor Plans.jpg
141K



Proposed

No Stove





407 Dean Ave
Bark Office



John Roberts <jhnr633@gmail.com>

Is there anything you need from us for the changed application?

2 messages

Mike Reinman <mgmt@redwoodcoastvacationrentals.com>

Mon, Mar 31, 2014 at 7:28 AM

To: Trever Parker <trever@streamlineplanning.net>

Cc: John Roberts <jhnr633@gmail.com>, City of Trinidad <cityclerk@trinidad.ca.gov>

Hi Trever,

Good Monday morning! I will contact John Roberts to see if he has time Thursday to inspect the third room at the front house at 407 ocean to confirm it is not a bedroom. I have given the tenants notice of our visit.

Regards,

Mike & Hope Reinman

John Roberts <jhnr633@gmail.com>

Mon, Mar 31, 2014 at 1:16 PM

To: Mike Reinman <mgmt@redwoodcoastvacationrentals.com>

Cc: Trever Parker <trever@streamlineplanning.net>, City of Trinidad <cityclerk@trinidad.ca.gov>

Mike, It was good to talk to you today to get the update. it really helps me help you. I will need a revised floor plan view for the unit in back and a revised description for the application. I will also need a floor plan view of the main house and the use of each room so I can verify and write a letter to Planning. The floor plan for the main house should be scaled or dimensioned and be of industry standards for floor plans. A fee will be charged on thurs for the site visit and preparation of the letter. I would suggest at this point we pay as we go. It will be cheaper that way than moving cost to a later time. The cost for my part will be \$50.00. This does not address any other fees such as permits, planning costs, etc. Regards John R.

[Quoted text hidden]



John Roberts <jhnr633@gmail.com>

Re: Your thoughts on the best way to proceed

1 message

Mike Reinman <mgmt@redwoodcoastvacationrentals.com>Thu, Mar 27, 2014 at
12:02 PM

To: Trever Parker <trever@streamlineplanning.net>

Cc: John Roberts <jhnr633@gmail.com>, Trinidad City Manager <citymanager@trinidad.ca.gov>, City of Trinidad <cityclerk@trinidad.ca.gov>, Hope Reinman <hopereinman@hotmail.com>

Hi Trever,

We appreciate your continued research and thoroughness into this.

It sounds like the best way forward is proposing the third bedroom. I do not think the lot is big enough to have a reserve field for a 4-bedroom system, although I would really like to go that route. I will ask John to come over to the front house so he can confirm that the third room is not a bedroom, and will get that done ASAP. Yes, let's seek a determination from the Planning Commission as part of this hearing as to whether the use of the unimproved portion of the garage as storage for our business and / or a drop-off & pick-up point for laundry or such is allowed.

Thank you again.

Regards,

Mike & Hope Reinman

On Thu, Mar 27, 2014 at 11:36 AM, Trever Parker <trever@streamlineplanning.net> wrote:

Hi Mike,

I have been doing some research into the legal precedent regarding home occupations and accessory uses. Unfortunately there is no clear guidance, because the courts rely on the local zoning ordinance language. Because Trinidad's ordinance is 35 years old, it is often somewhat lacking in certain details. The definition of accessory use (*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*) seemed to allow quite a bit of flexibility, and I focused on the part about altering the character of the premises. However, the term 'customarily incidental' turns out to have significant legal precedent. Though the precedent is often conflicting as to what has been allowed under this phrase, it is not as flexible as I originally thought. I did find cases and guidance that would both support or prohibit your request, but it seems like most would go against it, since you do not live on the property (you would have a lot more leeway to conduct business there if it was your place of residence).

As a general conclusion, I think your proposed office could be found to be consistent with Trinidad's ordinance, but that is neither clear nor certain. I think that, under the circumstances, this could easily wind up in court and go either way. Therefore, it may be better all around to pursue another option for the living space. If you are going to propose a bedroom, then it may make more sense to allow the shower to stay. But it may also be necessary to get the Building Inspector into the main house to ensure that it is only 2-bedrooms and / or take out some of the cabinets in the converted garage. Alternatively, if you wanted to upgrade the septic, you may be able to accommodate 4-bedrooms and therefore get more rent.

Finally, if you plan on continuing to use the unimproved portion of the garage as storage for your business and / or a drop-off & pick-up point for laundry or such, you may want to seek a determination from the Planning Commission as part of this hearing as to whether that is allowed. Otherwise, it will

likely come up later via complaints.

Let me know what you decide.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Thursday, March 27, 2014 9:56:56 AM
Subject: Your thoughts on the best way to proceed

Hi Trever,

We've got a meeting this afternoon related to this and wanted to see if you were able to discuss this with Bob and come up with the best way forward. It seems like the 3rd bedroom option would create the least resistance both in terms of planning and ease the use enforcement on the city side of things.

Regards,

Mike & Hope Reinman



John Roberts <jhnr633@gmail.com>

407 Ocean Reinmans - We are adhering to the "Do Not Occupy" Requirements

1 message

Mike Reinman <mgmt@redwoodcoastvacationrentals.com>

Fri, Mar 21, 2014 at 3:03 PM

To: Trever Parker <trever@streamlineplanning.net>

Cc: Tom Davies & Kathleen Lake <tomkat4@suddenlink.net>, Gabriel Adams <cityclerk@trinidad.ca.gov>, John Roberts <jhnr633@gmail.com>, Julie Fulkerson <juliefulkerson@mac.com>, Mike & Ann Pinske <pinske@suddenlink.net>, Trinidad City Manager <trinidadcitymanager@gmail.com>

Trever and Others,

I will pass on the word again. Thank you for your clarification.

Yesterday afternoon my wife was sitting outside at the picnic table with a couple of her friends enjoying time together in the sun after a hard working day (I have witnesses if necessary). The picnic table is outside on the ground. My understanding from the Building Dept is that we are completely in our rights to do that. They were not using the inside of the facility. Hope and I do go back to check on the property regularly to make sure there are no breakins, leaks, etc. while it is unoccupied.

Kathleen, Tom and others have been harrasing, intimidating, and bullying myself, my family, my employees, my tenants for many years now. I recently had an employee so upset by the harrassment from Kathleen on Wednesday that she was considering resigning. And, again today, they harrassed two employees. This includes not only harassing employees that are entering and leaving the shed to get cleaning supplies, but also those that are entering homes to clean them. She is taking pictures of them and their cars, saying damaging things about myself and my business to them, and telling them that what they are doing is illegal. It is clear from the above clarification that you have given, Trever, that my employees are not in violation of the "do not occupy" clause nor was my wife yesterday when she is sitting out at the picnic table. Another one of the harrassment team has been misinforming my homeowners about our business conduct in order to smear our business and personal reputation.

Kathleen & Tom Davies and the few that support them have been successful in pushing my wife and I and our two children out of our home in Trinidad. They have also been successful, at times, in using the city do their bidding for them. We were recently accused by them of having a commercial laundry business. We were guilty until we proved ourselves innocent of this twice, first showing our receipts and then doing showing the storage space to the Building Inspector! Or there was the time that we were re-tiling our small bathroom and we had asked about getting a permit but were told it wasn't needed because it was a small job. However, upon removing the flooring, our contractor found a lot of rot and ending up having to pull a lot more out and redo the whole floor. In that process, then city manager Steve Albright came over with the sheriff with his gun out and entered the home and scared away the contractor. We came back to a home without a bathroom for about a week until he would come back and finish the job. If the city manager had called us we would have paid the \$40 permit fee immediately and that would have been the end of it, but that is not what was done. That's all that needed to happen but instead it escalated. Our four tenants who live at the front house at 407 Ocean have been harassed by the Davies and Dorothy across the street.

They asked the sheriff to investigate their cars. My daughter and her friend came home crying when Tom yelled at them for picking two wild flowers from the other neighbor, who is a friend of ours, front yard.

Another time they yelled at them for laughing while playing out on the trampoline in our front yard at 8:30 in the evening in summer time, and they came in the house upset and confused. This is ridiculous!

I have heard from city officials that we are a complaint driven community and while I understand the need to respond to complaints, there is also a need to push back to those that continue their empty complaints. I remember when Tom & I were on the VDU committee together and we went in the city manager's office

and there caseloads of files from John Frame's legal battles with the city and Tom commented on how disgusting that was. But even now he is part of an effort to harrass us to a point where many people would consider legal action to defend themselves against it.

Because Tom is a city council member and therefore one of the bosses of the city staff and contractors, it puts them in a very uncomfortable and often conflicting situation.

We have been following the city's instruction for a number of years now in regards to having the back space permitted and are hoping that we are nearing that point. We realize that we should have applied for a permit before building the unit, but we cannot go back in time. In the meantime, while it is not permitted, we will continue to abide by the "do not occupy" requirements as clarified above. I would like it be made clear to the public that we are doing our part and that the continued use of the city's limited resources on false claims, and continued harrassment of our community, is through the actions of the Davies and the few that support them in this. I am very concerned that even if we are successful in having the back space permitted, the bullying & harrassment will not stop.

We love Trinidad and most of it's people and plan on continuing to be a part of the community, both Hope by running the kitchen at the school, and myself through the business, by acting President of the Trinidad Chamber of Commerce, and by volunteering in the community events and supporting the community. However, what is happening is a sad situation that must stop.

I would be more than happy to go to a mediator with the Davies so that any valid complaints that they do have about us could be resolved and others that are not valid could be eliminated.

Tom & Kathleen, I wish you peace.

Sadly,

Mike & Hope Reinman

On Fri, Mar 21, 2014 at 1:34 PM, Trever Parker <trever@streamlineplanning.net> wrote:
Hi Mike

I spoke with John Roberts, and he clarified that the current 'do not occupy' requirement includes not using the restroom or shower, not cooking, and not hanging out for any period of time or recreating. Someone can enter the building such as to pick-up or drop things off, but should not be spending time there. What is described below would be a violation of that requirement. Please ensure your tenants and employees are aware of this requirement and that they / you abide by it until the status changes.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

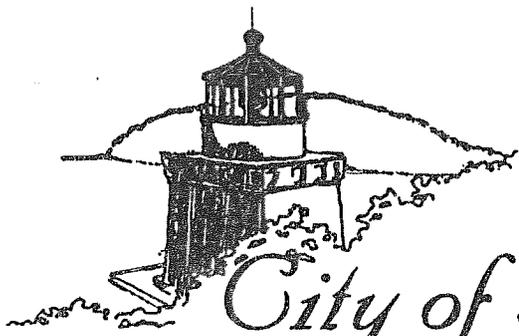
From: "Tom Davies & Kathleen Lake" <tomkat4@suddenlink.net>
To: "City Manager Karen Suiker" <citymanager@trinidad.ca.gov>, trever@streamlineplanning.net, "Gabriel Adams" <cityclerk@trinidad.ca.gov>
Cc: "Mike & Ann Pinske" <pinske@suddenlink.net>
Sent: Thursday, March 20, 2014 9:43:17 PM
Subject: 407 Ocean Reinmans

Hi Trever,

This afternoon and tonight, it's still going on, there has been a group of people having a gathering in the illegal ADU. It was my understanding that the Building Inspector made it clear and posted it that it was not to be occupied. He stated "Do Not Occupy" for safety reasons.

Will you please let me know if this status of "Do not occupy" has changed? If not, I am making this a formal complaint that it is being occupied. This needs to be enforced. Please let know what action is taken.

Kathleen



File Copy

City of Trinidad

Jan. 2, 2014

Mr. Reinman,

Following are your next step to address the violation at 407 Ocean. The conversion of the garage to storage and a 2nd unit were done without required permits. During our recent inspection of the premises it was noted that building, plumbing, mechanical, and electrical work has been done without the required permits. Following are the documents and conditions required to address the violation:

1. Application for permits must be submitted to the building department. The application should include 5 plot plans properly dimensioned, a floor plan of existing, a floor plan of proposed. The shower and cooking appliance facilities must be completely removed to a point where reinstallation is not possible.
2. All electrical for the building must be evaluated by a licensed electrician, upgraded to current code requirements, and a letter provided stating compliance by the electrician. Electrical permit is required. Electrician must coordinate work with building inspector before starting.
3. Mechanical or class B contractor must evaluate heating system, exhaust ducts with letter to Building Inspector stating compliance to current codes. Plumbing and mechanical permits required prior to starting any repair work. Gas line to wall heater and shut off valve not properly installed. Vent was not visible at time of inspection but must be evaluated also. Kitchen hood must be removed.
4. Floor plans must all include label as to use of each room prior and proposed.
5. Energy compliance documents must be submitted for review of any conditioned space.
6. Referral to planning department will be done at time of submittal to building inspector. Planning may have additional comments or requirements. You may deal directly with Streamline Planning for your planning needs, however, you must also effect a viable application with building concurrently by the time specified above.
7. A new stop work has been posted and must remain until such time as valid permits have been issued for the structure to return it into compliance.

I can be reached at 707-498-4858 or on thurs. at city hall. Let me know if I can be of any help. Your submittal should be completed to the building department within the next 30 days. Failure to submit a complete application for permits at that time may increase penalties assessed to your project.

John Roberts

City Inspector

707-498-4858

P.O. Box 390

City of Trinidad 95570

Cc: city manager, file

STOP WORK

CITY OF TRINIDAD BUILDING DEPARTMENT Phone (707) 677-0223

Date: 1-2-14
Time: 11:30 AM

Location of structure: 407 OCEAN

- A building permit, grading permit and/or planning commission approval are required for the work you are doing on your building.
- Stop work immediately until approval has been given by the Building Official to continue.

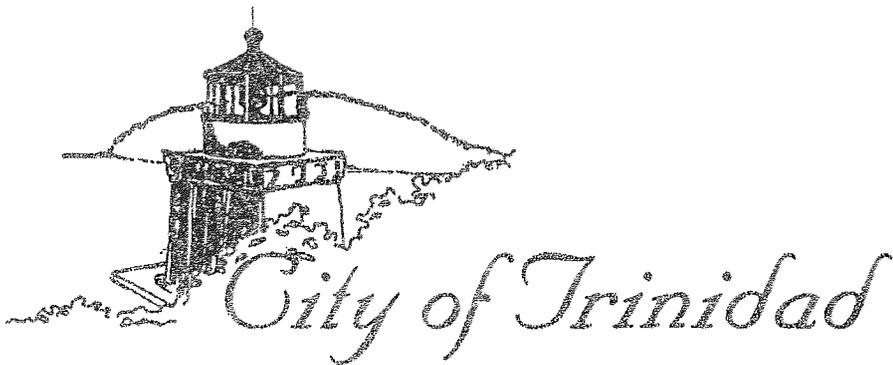
Comments: YOU HAVE CONSTRUCTED A 2ND UNIT AND STORAGE IN AN EXISTING GARAGE. DO NOT OCCUPY. YOU HAVE DONE BUILDING, PLUMBING, MECHANICAL, AND ELECTRICAL W/O REQUIRED PERMITS. A LETTER IS BEING SENT TO YOU DESCRIBING YOUR NEXT STEP.

Signed: John Roberts
Building Official/Inspector

DO NOT REMOVE THIS NOTICE

707-498-485

2010 California Building Code, Section 104



Mr. Reinman,

The City continues to receive complaints on your 407 Ocean property. The 1st step in resolving complaints is to determine if a violation infact does exist. To that end this letter is a formal request for inspection of the property and the structures on the property. Please contact me within 10 days of receipt of this letter to schedule a date and time for the inspection.

John Roberts

City Inspector

707-498-4858

P.O. Box 390

City of Trinidad 95570

Cc: city manager, fle



John Roberts <jhnr633@gmail.com>

FW: notice of building code violation Rineman property Ocean Ave.

1 message

City of Trinidad <cityclerk@trinidad.ca.gov>
To: John Roberts <jhnr633@gmail.com>

Fri, Dec 6, 2013 at 2:00 PM

Hey John.

I didn't see you on the email list of recipients. It's funny how the most important player in the game was left out of the correspondence.

We'll talk more about this next week.

Gabe

-----Original Message-----

From: Tom Davies & Kathleen Lake [mailto:tomkat4@suddenlink.net]
Sent: Friday, December 06, 2013 12:12 PM
To: Trever Parker; Karen Suiker; Julie Fulkerson; Danny and Dorothy Cox; Richard Johnson; Trinidad Clerk; jbaskin@coastal.ca.gov
Subject: notice of building code violation Rineman property Ocean Ave.

To: The City of Trinidad
Re: Suspected current building Code Violation at Rineman property Ocean Ave in Trinidad

From: Kathleen Lake @ 435 Ocean Ave. Trinidad CA

Dear City of Trinidad,

I am writing at this time to again, as a formal letter of complaint submitted to the City Clerk as specified, to notify you of the building code violations that have occurred and continue to occur at the Rineman property adjacent to my home at 435 Ocean Ave. Trinidad. In the past the City of Trinidad has failed numerous times, despite several neighborhood complaints, to enforce the violations regarding building codes at this residence. As a citizen of the this community I need this issue rectified immediately.

The actions thus far of the City of Trinidad, including the current City Planner and City Manager as well as the County Building Inspector could be construed as catering to a few constituents and not addressing code violation issues in the best interests of the City of Trinidad.

Last night I was awakened again between the hours 1:00 AM and 4:00 AM with construction noise, it sounded like demolition coming the residence next door.

This property has a variety of code violations that have not been brought into compliance for a number of years despite multiple complaints in writing by me. The Cities continued failure in the this matter demonstrates ineffective management. What is your plan of action?

I have included the City Municipal Codes as they apply:

Trinidad Municipal Codes
Enforcement of Building and Zoning Regulations 15.08.020

"Violation" is defined to be any condition not in conformance with any statute of the state or ordinance of the city with regard to zoning regulations and Uniform Building Codes. [Ord. 174 §§ 2, 3, 1981].

15.08.030

Enforcement procedure.

A. In the event a zoning or building violation is observed, a written complaint shall be filed with the city clerk.

B. The complaint shall be forwarded to the building inspector who shall conduct a field inspection to determine the validity of the claim.

C. If necessary, the building inspector shall contact the city attorney to obtain a search warrant so that the inspection can be conducted.

D. In the event the violation is confirmed by the inspection, notice shall be served in accordance with the provisions of this chapter. [Ord. 174 § 4, 1981].

I look forward to your actions in following the procedures on this complaint and all other formal complaints that I have submitted.

Thank you,

Kathleen Lake



John Roberts <jhnr633@gmail.com>

Fwd: notice of building code violation Rineman property Ocean Ave.

2 messages

Karen Suiker, City Manager <citymanager@trinidad.ca.gov>
To: John Roberts <jhnr633@gmail.com>

Fri, Dec 6, 2013 at 12:38 PM

What can you tell me here, John?

----- Forwarded message -----

From: **Tom Davies & Kathleen Lake**

Date: Friday, December 6, 2013

Subject: notice of building code violation Rineman property Ocean Ave.

To: Trever Parker <trever@streamlineplanning.net>, Karen Suiker <citymanager@trinidad.ca.gov>, Julie Fulkerson <juliefulkerson@mac.com>, Danny and Dorothy Cox <crabby2@suddenlink.net>, Richard Johnson <rfjbr@gmail.com>, Trinidad Clerk <cityclerk@trinidad.ca.gov>, jbaskin@coastal.ca.gov

To: The City of Trinidad

Re: Suspected current building Code Violation at Rineman property Ocean Ave in Trinidad

From: Kathleen Lake @ 435 Ocean Ave. Trinidad CA

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Thank you,

Kathleen Lake

John Roberts <jhnr633@gmail.com>
To: Trinidad City Manager <citymanager@trinidad.ca.gov>

Fri, Dec 6, 2013 at 1:29 PM

The letter is basically correct as to the procedure however I currently do not have a vompted written complaint specifically identifying the nature of any specific violation. The complaint must contain full identification of the property owner assessor parcel number. Even if a planning application is processing I can with a properly written complaint and your direction provide complaint services up to and including a red tag stop work order

[Quoted text hidden]



John Roberts <jhnr633@gmail.com>

FW: Reinman's garage

3 messages

Trinidad City Manager <citymanager@trinidad.ca.gov>

Tue, Oct 8, 2013 at 9:59 AM

To: Trever Parker <trever@streamlineplanning.net>, John Roberts <jhnr633@gmail.com>

Fyi and continued discussion.

-----Original Message-----

From: Tom Davies & Kathleen Lake [mailto:tomkat4@suddenlink.net]

Sent: Monday, October 07, 2013 8:20 PM

To: Trinidad City Manager

Subject: Reinman's garage

Hi Karen,

I took the opportunity this afternoon to take this photo. It was 5 pm. There were two cars parked outside the garage in the back alley. There were two employees of Reinman's unloading baskets of laundry and other supplies from their vehicles. This is a daily practice next door to us for the past three years. Sometimes there are five or more vehicles at one time. The vacation rental laundry is done in the garage as you can see here. You can also see the code violations with wiring and meter placements.

This is not a secret practice. It is well known and constant.

2 attachments



photo.JPG
1560K

Untitled attachment 00009.txt
1K

Trinidad City Manager <citymanager@trinidad.ca.gov>

Tue, Oct 8, 2013 at 10:42 AM

To: Trever Parker <trever@streamlineplanning.net>, John Roberts <jhnr633@gmail.com>

Cc: Andrew Stunich <ajs@perlmanstunichlaw.com>

John and Trever,

It appears Mr. Reinman may be conducting unpermitted commercial activity by doing his vacation rental laundry as can be seen on the attached photo, and John, and I am requesting you follow up on this issue to deal with any code

violations.

Trever will be putting together a draft letter in the next several days that I would like you to review, John, and I will also ask our attorney to review before we send it out, advising Mr. Reinman that his ADU is not a permitted activity and he will therefore not be allowed to occupy that unit. That letter should indicate why the city has not enforced this for some time, that reason being our assumption that the Coastal Commission would consider our ADU ordinance in the very near future, but it now seems obvious that such consideration and approval is still a long ways out in the future. In the meantime, we will enforce the rules and regulations the city currently has on its books, and his ADU constitutes a zoning violation subject to City enforcement.

Questions, comments, suggestions?

[Quoted text hidden]

2 attachments



photo.JPG
1560K

 Untitled attachment 00009.txt
1K

John Roberts <jhnr633@gmail.com>
To: Trinidad City Manager <citymanager@trinidad.ca.gov>

Mon, Dec 9, 2013 at 4:25 PM

There are definitely electrical violations shown in the picture and it is apparent that electrical work has been done without permits. I can also address this at time of site visit and will contact Reinman on this issue also thurs. a copy of the letter will fyi to you thurs afternoon.

[Quoted text hidden]



John Roberts <jhnr633@gmail.com>

Fwd: notice of building code violation Rineman property Ocean Ave.

7 messages

Karen Suiker, City Manager <citymanager@trinidad.ca.gov>
To: John Roberts <jhnr633@gmail.com>

Fri, Dec 6, 2013 at 12:38 PM

What can you tell me here, John?

----- Forwarded message -----

From: Tom Davies & Kathleen Lake

Date: Friday, December 6, 2013

Subject: notice of building code violation Rineman property Ocean Ave.

To: Trever Parker <trever@streamlineplanning.net>, Karen Suiker <citymanager@trinidad.ca.gov>, Julie Fulkerson <juliefulkerson@mac.com>, Danny and Dorothy Cox <crabby2@suddenlink.net>, Richard Johnson <rfjbr@gmail.com>, Trinidad Clerk <cityclerk@trinidad.ca.gov>, jbaskin@coastal.ca.gov

To: The City of Trinidad

Re: Suspected current building Code Violation at Rineman property Ocean Ave in Trinidad

From: Kathleen Lake @ 435 Ocean Ave. Trinidad CA

Dear City of Trinidad,

I am writing at this time to again, as a formal letter of complaint submitted to the City Clerk as specified, to notify you of the building code violations that have occurred and continue to occur at the Rineman property adjacent to my home at 435 Ocean Ave. Trinidad. In the past the City of Trinidad has failed numerous times, despite several neighborhood complaints, to enforce the violations regarding building codes at this residence. As a citizen of the this community I need this issue rectified immediately.

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Thank you,

Kathleen Lake

John Roberts <jhnr633@gmail.com>
To: Trinidad City Manager <citymanager@trinidad.ca.gov>

Fri, Dec 6, 2013 at 1:29 PM

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[Quoted text hidden]

Trinidad City Manager <citymanager@trinidad.ca.gov>
To: John Roberts <jhnr633@gmail.com>, Trevor Parker <trevor@streamlineplanning.net>, Gabe Adams <cityclerk@trinidad.ca.gov>

Mon, Dec 9, 2013 at 11:01 AM

Here's what I am proposing to send. Any questions, concerns, changes, etc.?

Dear Kathleen,

I'm very sorry the activity next door to you is interrupting your sleep, and understand how frustrating this must be. I would be happy to follow up on the reason(s) for the demolition noise, and am asking for your permission to forward your e:mail to Mr. Reinman to make such an inquiry.

To the best of my knowledge, we are dealing with two specific complaint code complaints concerning the Reinman property:

1. The illegal ADU. The City has a large file of correspondence on this issue, with the most current being the attached October 15, 2003 letter rejecting the ADU application. The reasons for the city not having moved forward with formal enforcement earlier are detailed in that letter. In response to that letter, Mr. Reinman evicted his tenant and has indicated he wants to meet with Building Inspector John Roberts to discuss what would

be needed to convert the building to an allowable use, such as an office. At this time there has been no permit issued, and if demolition and/or construction is occurring, we can and will issue a stop notice.

2. Complaint of a commercial laundry business. This was brought up to Mr. Reinman in the same October 15 letter, and the explanation given was that although the dirty linens were stored there, they were removed and taken off site to a laundromat on a regular basis. I have been provided copies of laundry invoices as proof, and attach the same here for your information.

If you are aware of other specific code violations, I would be happy to bring those to the attention of our Building Official for follow up.

-----Original Message-----

From: Tom Davies & Kathleen Lake [mailto:tomkat4@suddenlink.net]
Sent: Friday, December 06, 2013 12:12 PM
To: Trevor Parker; Karen Suiker; Julie Fulkerson; Danny and Dorothy Cox; Richard Johnson; Trinidad Clerk; jbaskin@coastal.ca.gov
Subject: notice of building code violation Rineman property Ocean Ave.

[Quoted text hidden]

2 attachments

 **Reinman laundry invoices.pdf**
434K

 **Reinman ADU Violation Courtesy Letter 1013.doc**
151K

John Roberts <jhnr633@gmail.com>
To: Trinidad City Manager <citymanager@trinidad.ca.gov>

Mon, Dec 9, 2013 at 1:26 PM

I think your letter is just fine as an initial response. It addresses the concerns contained in the complaint letter I believe. We should also notify Reinman and advise him that we want entrance to the premises, units for a site inspection and evaluation. Any demo work being or to be done will require building permits. Reinman should be advised of this. My thoughts. Let me know if you want or need me to do anything at this time

[Quoted text hidden]

Trinidad City Manager <citymanager@trinidad.ca.gov>
To: Tom Davies & Kathleen Lake <tomkat4@suddenlink.net>
Cc: John Roberts <jhnr633@gmail.com>, Julie Fulkerson <juliefulkerson@mac.com>, Trevor Parker <trevor@streamlineplanning.net>, "Baskin, Jim@Coastal" <Jim.Baskin@coastal.ca.gov>

Mon, Dec 9, 2013 at 2:25 PM

Dear Kathleen,

I'm very sorry the activity next door to you is interrupting your sleep, and understand how frustrating this must be.

To the best of my knowledge, we have been dealing with two specific code violations/complaints concerning the Reinman property:

1. The illegal ADU. The City has a large file of correspondence on this issue, with the most current being the attached October 15, 2013 letter rejecting the ADU application. The reasons for the city not having moved forward with formal enforcement earlier are detailed in that letter. In response to that letter, Mr. Reinman evicted his tenant and has indicated

he wants to meet with Building Inspector John Roberts to discuss what would be needed to convert the building to an allowable use, such as an office. At this time there has been no permit issued.

2. Complaint of a commercial laundry business. This was brought up to Mr. Reinman in the same October 15 letter, and the explanation given was that although the dirty linens were stored there, they were removed and taken off site to a laundromat on a regular basis. I have been provided copies of laundry invoices as proof, and attach the same here for your information.

Your below letter is the first complaint I have received about possible demolition/construction occurring since we shut down the ADU. I will advise Mr. Reinman that we have received a complaint, and request he provide access to the premises for a site inspection and evaluation by the Building Official. There has been no permit issued, and if demolition and/or construction is occurring, we can and will issue a stop notice.

Thank you for bringing this to my attention.

All the best,

Karen Suiker
City Manager
[Quoted text hidden]

2 attachments

 **Reinman laundry invoices.pdf**
434K

 **Reinman ADU Violation Courtesy Letter 1013.doc**
151K

Trinidad City Manager <citymanager@trinidad.ca.gov>
To: John Roberts <jhnr633@gmail.com>

Mon, Dec 9, 2013 at 2:30 PM

John,

Could you please contact Mr. Reinman and request he provide you access so you can respond to a complain of unpermitted construction/demolition? Let me know if you need anything from me. Thank you.

[Quoted text hidden]

2 attachments

 **Reinman laundry invoices.pdf**
434K

 **Reinman ADU Violation Courtesy Letter 1013.doc**
151K

John Roberts <jhnr633@gmail.com>
To: Trinidad City Manager <citymanager@trinidad.ca.gov>

Mon, Dec 9, 2013 at 4:18 PM

will do. Ill take care of it thurs if that is ok.

[Quoted text hidden]

Highland Ave Rainman
APN - 012-062-012

Ocean Ave
75 ft

48 ft
48 ft
48 ft

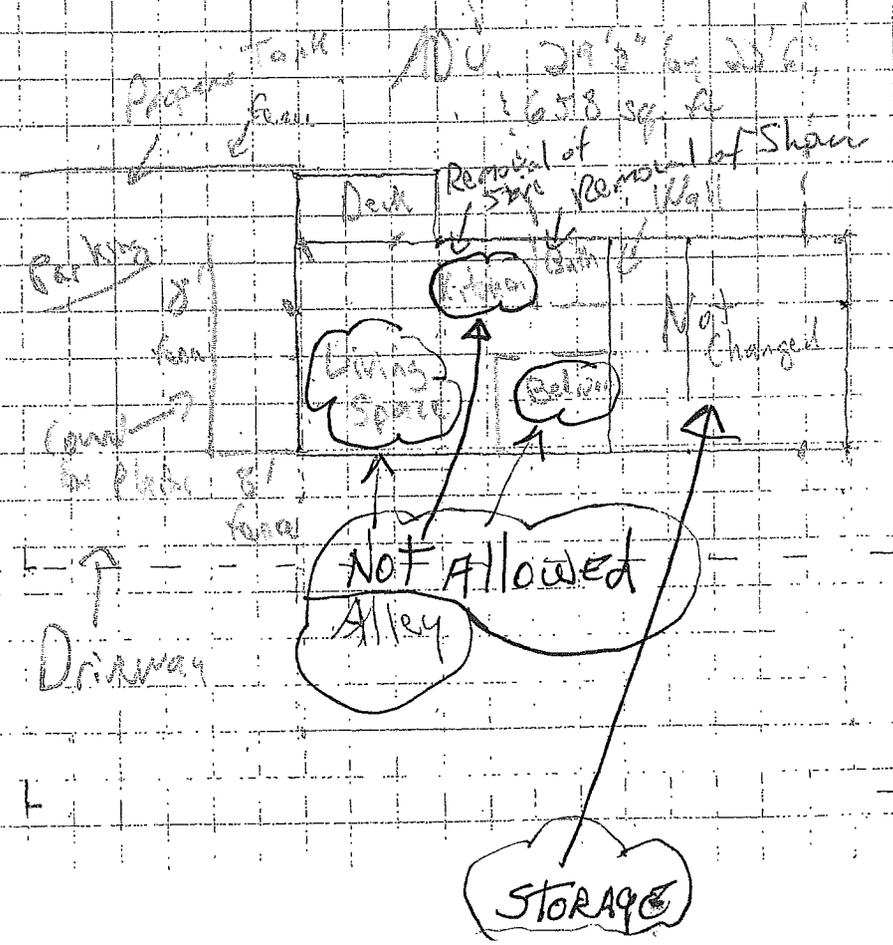
Layout of
ADU conversion

Save
at all cost

138 ft
(20)

Proposed

1-9-14 Provide
A SCALED PROPOSED
FLOOR PLAN PROPERLY
LABELED. SHOW ALL
ELECTRICAL, PLUMBING
MECHANICAL, BUILDING DOORS
& WINDOWS.



Michigan State Rainwater
APNs = 012-062-012

Ocean Ave
7.5 ft

4 ft
4 ft

Layout as per
ADU conversion

Same
as original

138 ft
(20)

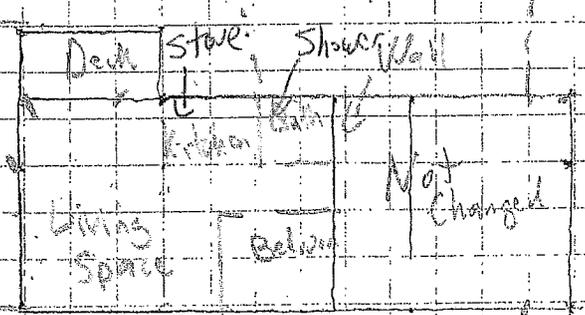
(Current)

Proposed Tank
feels

16.58 sq ft

Parking
8' x 10'

Canal
to Electric
Panel



Driveway

Alley

7
0 ft
CE

4 ft

Work done on Proposed 3rd Bedroom (*Trever's notes in italics*)

1. Large (approx. 20 ft x 35 ft) outdoor covering removed, except for small section that was repaired & reinforced (*demo / building permit required*)
2. 4 ft movable fence that went from garage to neighbor's property was removed (*no permits required*)
3. Fencing put up around entry way – about 7 ft high and going 8 ft in each direction (*no permits required for fences up to 6 ft. in height; building permit required for fences over 6ft. in height; fences within side and rear setbacks can not be over 6 ft. in height unless written permission is given from the adjacent neighbor; fences outside the required setbacks, in the interior portion of the lot, can be over 6 ft. with a building permit; a condition of approval should be included to require that these standards be met*)
4. Large (*interior*) wooden loft removed (*possibly building permits required*)
5. Small deck, about 1 ft off of the ground, and approx. 10 x 7 ft (*no permits required at this size and height*)
6. French doors put in (*building permit required*)
7. Wooden floors installed in all but bedroom and bathroom (*no permits required*)
8. Bathroom installed (*building permit required; full bath (shower) requires planning approval*)
9. Kitchen installed (*kitchen not allowed by ordinances*)
10. Window in bedroom and kitchen installed (*building permit required and obtained*)
11. Framing and drywall (*building permit required; increase residential floor area requires planning approval*)
12. Outlets & lighting fixtures (*building permit required*)
13. Heater & hot water heater installed (*building permit required*)
14. *Propane tank installed in front of back / alley parking space (building permit required)*

MEMORANDUM

TO: Alex Culick, City Building Official

FROM: Trever Parker, Assistant Planner, City of Trinidad

DATE: February 10, 2002

RE: Building Violations on old Preller Property, 435 Ocean Ave. (042-062-23)

Gabriel Day is in the process of purchasing the above property. To remind you, this property has existing building violations that have never been resolved. In 1999, approval was received to construct a temporary caretaker residence inside the garage. The work was never completed (or inspected) and the temporary approval has expired. The work that was completed includes a toilet, sink and partially completed shower. There are concerns from the City that this area could eventually be used as a 2nd residence. Further, a new roof and garage door were installed on an existing carport without City approval or building permits or inspections. Cindy Preller eventually applied for an 'after-the-fact' approval during a Design Review application to replace the existing house. This project was disapproved without prejudice in May, 2000 due to the failure of the applicant to show up for the public hearings.

Mr. Day is planning on remodeling the interior of the house and painting it. He would like to get started ASAP. As far as I have been told, the work he wants to do would not alter the exterior profile of the residence; therefore design review is not required. He plans on completely demolishing the carport as part of the remodeling; this would be required to clear the violations but would not require Design Review. If he removed at least the shower in the garage as part of the remodeling building permit and removed the carport, as far as Planning is concerned, he could go ahead with a building permit application. I would, however, like to review the submittal before issuance of the building permit.



MEMORANDUM

TO: Trinidad City Council

FROM: Trever Parker, City Planner

DATE: June 20, 2011

RE: Reinman ADU Violation and Nuisance Abatement

This memo is to inform the Council about an ongoing violation at 407 Ocean Avenue and my intent to commence formal nuisance abatement procedures to correct the violations in accordance with Chapter 8.12 of the Municipal Code.

Nature of the Violation

The violation consists of the conversion of a garage structure into an accessory dwelling unit without proper planning approval and in violation of City ordinances. Further, a second unit puts improvements of the septic system, and no approval was received from the Humboldt County Division of Environmental Health. In addition, structural improvements occurred that would have required a building permit, which poses a public safety issue if the unit was not built to code. Also external construction occurred that should have gone through the Design Review process.

History

An inquiry was received by the City in 2004 by the Reinmans as to whether the garage at 407 Ocean Avenue could be converted into an accessory dwelling unit (ADU), or second unit, and staff informed them that it was not allowed under current City ordinances. The City then received several complaints in 2006 regarding the unpermitted conversion and use of the garage as an ADU. After investigation, a stop-work-order was placed on the property in November 2006 by the building inspector (though work had generally been completed). At that time, structural work had occurred, and the garage had been converted into living space. Through a series of emails in late 2006 and early 2007, the Reinmans were given several options for resolving the violations and appropriately developing their property.

The City continued to receive complaints regarding the use of the ADU and additional work occurring on the property. I sent a detailed letter to the Reinmans in April 2007 explaining the City's regulations and what work was subject to permits. Nuisance abatement was not pursued at the time, because

the City was considering drafting an Accessory Dwelling Unit ordinance that could allow second units like the Reinmans’.

Correspondence and meetings between the Reinmans and City staff occurred in 2008 to again discuss their options and put together a work plan. The City continued to receive complaints regarding the occupancy of the illegal ADU. Steve Albright sent a letter to the Reinmans requesting information regarding that occupancy and stating that no one should be living there until the issues were resolved. At this time though, the City was working on drafting an ADU ordinance, and so the situation was allowed to continue in good faith that the Reinmans would resolve the violations once the ordinance was passed.

In March of 2010, I sent another detailed letter to the Reinmans explaining the applicable regulations, including the adopted ADU ordinance and again providing them with various options to correct these violations and for legally developing their property. In response, the Reinmans submitted a preliminary (incomplete) application, and met with me and Steve Albright to discuss their plans and project. Specific instructions were provided as to what needed to be submitted to complete an application. The Reinmans did not agree with the stated requirements, and though there has been some correspondence since, the required information has not been submitted.

Next Steps

At this point, staff has commenced formal Nuisance Abatement procedures to bring the property into compliance with City regulations. The first step, once the violation has been documented, is to send a courtesy letter to the property owners documenting the violation and required corrective actions; two weeks are given for a response. I have attached the letter that was sent to this memo. After that the process continues with a formal ‘Notice to Abate Nuisance’. Eventually, if the violation is not corrected, the City can impose fines and / or take legal action.

Section 8.12.070.D requires the enforcement official to notify the Council of their intent to commence nuisance abatement. This memo serves as that notification. The same section also allows the City Council to request that the issue be put on a public agenda for discussion. Staff does not recommend that course of action at this point due to the nature of the violation and the length of time that is has been ongoing.



October 28, 2013

Sent via certified mail

Michael and Hope Reinman
P.O. Box 963
Trinidad, CA 95570

Re: Rejection of Application #2011-08 (After-the-fact permit for construction of an Accessory Dwelling Unit at 407 Ocean Ave., Trinidad, CA) and Courtesy Letter informing you of the City's intent to commence Nuisance Abatement for an ongoing violation.

Dear Mr. and Mrs. Reinman,

This is a formal Courtesy Letter as required by section 8.12.090 of the City's nuisance abatement ordinance to inform you of the requirements under the City's nuisance abatement procedures (Chapter 8.12 of the Municipal Code). It has been determined, in accordance with section 8.12.070 that your property is being maintained in violation of City ordinances, which constitutes a nuisance as defined by section 8.12.040.

The City has continued to receive complaints regarding your unpermitted Accessory Dwelling Unit (ADU) at 407 Ocean Avenue. These complaints have increased recently, apparently due to a large number of people living on the property and the resultant traffic, noise and other disturbances to the neighborhood. In addition, there is evidence that you may be running a commercial laundry business at the property. These complaints have caused the City to reassess the situation at this address.

The City's file shows a significant amount of correspondence between you and the City regarding the illegal ADU on this property, so you are well aware of the situation. The City has been hesitant to move forward with formal enforcement of the unpermitted construction at 407 Ocean due to the fact that an ADU ordinance was being considered by the City that could legally allow an ADU on the property. As you know, current City regulations would not allow an ADU on your 407 Ocean property. You have been told by the City on several occasions to not rent out the ADU until it could be properly permitted, but it is clear that you have never complied with this request. More importantly, your ADU application no longer meets the requirements of the City's adopted ADU ordinance, because you are not living on the property. Section 17.54.070(m) of the ADU ordinance includes the requirement that the property owner reside in either the primary or secondary unit. The intent of this section is to ensure that ADUs provide affordable housing, not income property.

In response to a similar Courtesy Letter sent to you dated June 20, 2011, you did submit a generally complete set of application materials for an after-the-fact permit for your ADU under the City's

adopted ADU ordinance in November 2011. However, because the ADU ordinance had not been certified by the Coastal Commission as part of the City's Local Coastal Plan, the City could not process that application. At the time, City staff was in the process of preparing an application to the Coastal Commission for certification of the ADU ordinance, which was submitted in June 2012. The City also submitted its Vacation Dwelling Unit (VDU) ordinance for certification at the same time. Though the City is making progress in moving the less development-intensive VDU ordinance through the certification process, the ADU ordinance is still on hold. Because the ADU ordinance actually allows denser development, it will have significantly more issues and ones that are more difficult to address than the VDU ordinance. At this point, the City has no idea how long it might take to get the ADU ordinance certified by the Coastal Commission, or even whether it ever will be. Therefore, the City must fall back on its existing regulations.

State housing law (Government Code Section 65852.2) includes a subsection (j) that states: "*Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act... except that the local government shall not be required to hold public hearings for coastal development permit application for second units.*" This means that all the standards of the City's existing, certified zoning ordinance still apply, and are not superseded by the State ADU law. Even if you could argue that the State standards apply in this case, you don't meet those standards either, because the floor area of the ADU exceeds 30% of the primary residence (§65852.2(b)(1)(E)), and the septic requirements have not been met (§65852.2(b)(1)(I)). In addition, as explained above, even if the City's ordinance is eventually certified by the Coastal Commission, your ADU would not be allowable under those regulations.

For these reasons, I have to reject your outstanding application for an after-the-fact ADU as being inconsistent with current City regulations, State second unit law, and the City's adopted ADU ordinance. I am also informing you that the City is recommencing the Nuisance Abatement process with transmittal of this Courtesy Letter.

Property: The property on which the violation is occurring is known as 407 Ocean Avenue, Trinidad, CA 95570. The Assessor's Parcel Number is 042-062-12. The registered owners are Michael and Hope Reinman.

Nuisance: An accessory dwelling unit (ADU) was created on the property, specifically through the conversion of a garage structure in the rear of the property, without appropriate City approvals and permits.

1. The City's Zoning Ordinance requires a permit to be approved by the Planning Commission to create an ADU. Certain requirements must be met in order to create an ADU, including notifying neighbors, parking, setbacks and septic (17.54.070).
2. Your property is zoned Urban Residential (UR), which currently does not allow accessory units at all. A guest house or servant's quarters (each of which is specifically defined in the ordinance) is allowed if the lot meets the density requirement of one unit per 8,000 sq. ft.; your lot is only around 9,000 sq. ft. and so is only large enough for one unit.
3. External structural work has occurred that requires Design Review, such as the covered porch / entryway for the illegal unit. Any exterior modifications that have been made to the structures on the property must receive Planning Commission approval.
4. Building permits are required for interior remodeling including structural, plumbing and electrical work. You did not apply for building permits for the work that has occurred on the accessory unit.

5. Your project meets the definition of development in accordance with City regulations and the Coastal Act, which requires issuance of a Coastal Development Permit by the City.
6. Upgrades and approval for the septic system serving the ADU is required from the Humboldt County Division of Environmental Health.

Corrective Action: In order to correct the violations and avoid further action on the part of the City (see 'penalties' below), you have two options. First, you would be required to remove all unauthorized construction that has occurred on the garage structure. This would include all interior improvements and converting the garage back into a garage without a dwelling unit or other living space. Demolition must also include any external additions or remodeling that has occurred since 2004. Second, you could submit an application to convert the garage to an allowable use/structure in the UR Zone such as a studio, office, or other extra living space not to be used or rented out separately from the main residence. Further, your ongoing violation has continued to cause the City to incur costs for responses to complaints and correspondence with you. Regardless of what corrective action you choose to take, you are also responsible for paying the attached invoice for expenses incurred to-date by the City related to this property.

Time Limit: You are hereby ordered to abate the described nuisance by paying the attached invoice and either commencing removal of the ADU, or submitting an application for an allowable use as described above within 2 weeks of delivery of this Courtesy letter and must thereafter diligently complete the abatement to avoid further action on the part of the City.

Penalties: If the described nuisance is not resolved in a timely manner, then further action on the part of the City will be necessary. Otherwise, the City will first issue a Notice and Order to Abate Nuisance. If corrective action has still not commenced, then the City can enforce the violation in a number of ways, including issuing infractions or misdemeanors and fines. Current and additional costs to the City from the nuisance abatement process shall become a charge against the premises. However, if prompt abatement occurs, no further action will be taken by the City.

Public Hearing: If you feel aggrieved by this Courtesy Letter, in accordance with section 8.12.130, you have the right to request a public hearing before the City Council to discuss these issues. A written request for a public hearing must be received by the City within 10 days of the delivery of this notice.

I look forward to solving these ongoing issues. Please feel free to contact me at 822-5785 if you have any questions.

Sincerely,

Trever Parker, City Planner

cc. Karen Suiker, City Manager
Andrew Stunich, City Attorney
John Roberts, City Building Inspector