

**ADDITIONAL  
COMPLAINT  
COMMUNICATION**



**Subject:** RE: VDU COMPLAINT 8/30/15

**From:** "Wilcox, Pam" <PWilcox@co.humboldt.ca.us>

**Date:** 9/1/15, 2:05 PM

**To:** Tom Davies & Kathleen Lake <tomkat4@suddenlink.net>, Dan Berman <citymanager@trinidad.ca.gov>, Trinidad Clerk <cityclerk@trinidad.ca.gov>, Julie Fulkerson <juliefulkerson@mac.com>

Update: Dori just called me back and the tenant is there until Friday. We will be discussing the incident with him today.

Thanks  
Pam

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From: Tom Davies & Kathleen Lake [[tomkat4@suddenlink.net](mailto:tomkat4@suddenlink.net)]  
Sent: Sunday, August 30, 2015 8:15 PM  
To: Dan Berman; Trinidad Clerk; Julie Fulkerson; Wilcox, Pam  
Subject: VDU COMPLAINT 8/30/15

Dear City of Trinidad,

Please attach this to a formal City complaint form for the file. I did not have a form at home.

At 6:45 PM tonight we left for a walk to the beach, we left out the back door and entered the alley. When we were passing 461 1/2 Ocean, the cottage on the alley behind the Coveney's house. The Short Term Renter in the back had a large Bull Mastiff type dog off leash. He began to bark at us and approach us. There was a man 25-35 years old standing in the parking area with the dog. He did not call the dog. The dog kept approaching us and we began backing up down the alley the other way. We said "Call your dog". He responded "What your problem?". I said "Your dog". By this time the dog was in the alley and I was looking to see if I should scale the fence or run. Tom kept backing up watching the dog too. The owner stated " She's just a big baby". I was in my yard by this time and the dog was headed that way. I yelled, "You need to have it on a leash!" He yelled again "What's your problem!" in a very angry tone. I said "your dog!". He yelled something else that I could not understand and I yelled back, "you can tell it to the cops!". I went to my house, Tom close behind me. I was frightened and shaking. I called dispatch rather than 911, as I was not injured physically. I called RWCVR. I got a message machine. I left a message. I felt as though I could not leave my house. I waited and called RWCVR again and Stacy picked up the phone. She did help me by saying she would call the tenant and call me back. At 7:05 the Sheriff arrived but I was on the phone with Stacy and did not hear the door. They left a message and I called back. They did not see the dog in the yard. They did take the report and said that they would send an email with the report to Deputy Wilcox. I told the Officer on the phone that I was filing a formal complaint with the City. Stacy from RWCVR called me back an hour later and left a message that she was not able to contact the tenant. She said that she would call me when was able to contact him. I wish I would have asked how long this person was supposed to be there.

Right now we cannot walk out the back alley. This is not the first, second or even third time that has happened to us with this rental. This

is a neighborhood and I do not know who is next door except that they could care less about us.

Kathleen Lake.

**Subject:** RE: SECOND REQUEST Paloma event numbers  
**From:** "Trinidad City Manager" <citymanager@trinidad.ca.gov>  
**Date:** 12/1/15, 10:45 AM  
**To:** "Tom Davies & Kathleen Lake" <tomkat4@suddenlink.net>  
**CC:** "Parker, Trevor" <trevor@streamlineplanning.net>, "Julie Fulkerson" <juliefulkerson@mac.com>, <DAWinnett49@gmail.com>, "Dwight Miller" <dmiller6@gmail.com>, "Baker Jim and Joan" <jjbakers@gmail.com>, "West Jack" <jandjwest@yahoo.com>, "Mike & Ann Pinske" <pinske@suddenlink.net>, "Richard Johnson" <rfjbr@gmail.com>, "Espejo Lisa" <knowskateboardingintrinidad@gmail.com>, "diane stockness" <diane.stockness@gmail.com>

Hi Tom and Kathleen,

Here's my latest update on these issues, I'm sorry for the delay, I didn't realize you were waiting for a response on most of these.

Re: Paloma total # of people on site - The websites are updated to note max occupancy (guests and their visitors) consistent with the City Ordinance. I thought I had responded fully to this on 11/10 (see email chain below).

Re: 495 Ocean St. garage and alley - This was resolved in October when the City Building Inspector toured the garage and confirmed that the garage can accommodate 2 cars currently, and could hold three if interior items were rearranged further. He also confirmed there is an 8.5 ft wide space between the building and the gravel alleyway, which can accommodate a car without impeding the alley, and would be consistent with other parking up and down the alley.

I appreciated your bringing a concern about the parking here to the City's attention, and I believe I told you the City would look into it, which we did, and we found the application was accurate. I did not see your allegation that there was no garage parking as a 'complaint' that required a response to you, but as something the City needed to confirm for our own permit issuance.

Re: 461 and 461 1/2 Ocean

Only the front house is being permitted as a VDU. The back unit is going to be a longer term rental, starting now (Dec 1). Please let me know if you see it being used as a VDU.

Re: Signs. What I was trying to say at the meeting was that sign issues are lower on my VDU priority list than parking, resolving the last few permits, notifications to neighbors, i.e. the kind of things you are contacting me about. That said, I am seeing steps towards compliance. My 'process and goals' is that all VDUs get their signs in compliance over the winter, and nobody will get their permit re-issued next June unless their application shows they are fully compliant with every aspect of the ordinance. That would mean losing your permit, and being 'outside' the moratorium (I'm guessing the temporary moratorium will get a third and final extension while we move an amendment forward, but that's not decided yet and not up to me.)

Re: notifications to neighbors - We are going on this now, based on our progress the last few weeks I think we will have these all mailed by our next Council meeting ( the 9<sup>th</sup>)

RE: Complaints process - We have an official form at the clerk's office, or you can just email me and Gabe. I am not aware that anyone is having trouble lodging complaints. I do apologize that we are not always getting back to people as promptly as I would like. Some of the issues are complex and have taken time to resolve.

Re: enforcement and complaint response - I agree that City staff needs to develop a more detailed enforcement policy and matrix for addressing VDU generated complaints - which are 'significant violations' per the ordinance, how many smaller complaints add up to a 'significant violation'. Etc.

Thankfully aside from signs there are a pretty small number of violations to be addressed- the recent party and parking at Paloma Creek - the aggressive dog next to you on Ocean this fall, and the 'two vdus per parcel' at Parker St. and next to you on Ocean, although I think that last one is largely resolved now.

If there are more things on your list that you are waiting for a response on, please let me know.

Best,  
Dan

Daniel Berman  
City Manager  
City of Trinidad  
(707) 677-3876  
(707) 498-4937 mobile  
P. O. Box 390  
Trinidad, CA 95570

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

**Sent:** Tuesday, December 01, 2015 7:48 AM

**To:** Trinidad City Manager; 'Julie Fulkerson'; DAWinnett49@gmail.com; 'Dwight Miller'; 'Baker Jim and Joan'; 'West Jack'; 'Mike & Ann Pinsky'; 'Richard Johnson'; 'Espejo Lisa'; 'diane stockness'

**Subject:** Re: SECOND REQUEST Paloma event numbers

Hi Dan,

We have not heard back from you at all regarding any of these issues. It has been weeks and we would like an update ASAP. The VDU next to us at 461 and 461 1/2 continues to be rented as two VDU's which was made clear by the attorney was a violation of the ordinance. This appears to us to be a significant issue and enough reason to pull the permit. If you are not enforcing this issue please let us know the reason why.

These other issues are still very important to us and the community. Please respond to us.

Kathleen and Tom

On 11/12/15 7:12 AM, Tom Davies & Kathleen Lake wrote:

Dan Berman,

Thank you for this information regarding Paloma Creek Lodge. Would you please let us know who will be following up with the other "platforms" to assure compliance.

I did want to address a few other issues that are on my mind this morning.

1) Following the meeting last night we were relieved to **finally hear the attorney's** decision regarding the VDU ordinance and "one per parcel". It has been **eight months** since we first asked you which of the two VDU's next door to us would be permitted in accordance with the new VDU ordinance. It has been a long 8 months for us to be in a continuous struggle with the City to break through your "staff interpretation" and inaction to rectify this situation. It is now clear that **your** interpretation set policy in this situation rather than the law or intent of the ordinance. We are hoping that you will contact us soon to let us know the decision regarding the VDU permit at 461 and 461 1/2 Ocean Ave. and which dwelling will be permitted and which will be FR.

2) We have heard from **neighbors** that the parking issue at the VDU on Ocean that is managed by the City Clerk has been rectified. We heard that the "room" in the garage was demolished to allow for parking. We were unclear why we needed to hear this from neighbors rather than getting a response from you. We also asked if the proposed parking area outside had been measured to be certain of the dimensions so as not to create the alley being blocked. We would still appreciate a response from you on this.

3) We were disappointed at the Planning Commission meeting last week that you asked a question of the audience in attendance regarding VDU's and signage. We believe the statement was close to "Do we care about signs?" The Property Managers responded to you with a resounding "NO". We are unclear what your intention was with this remark. The ordinance is clear in it's requirements. Sign issues would have been much easier for the City to deal with up front, through the permitting process. Withholding permits until compliance is met. If the city is unwilling to enforce a relatively easy portion of the ordinance we feel it gives a clear message that more difficult issues, such as nuisance complaints and occupancy issues will also be "kicked down the road", as has been our experience here on Ocean Ave. Please let us know your process and goals for addressing the VDU sign issue.

4) Neighbor notifications: Please let us know when these will be distributed as per the ordinance requirements. Neighbors also need to information regarding what the **City's complaint process** is and how VDU complaint

issues will be addressed in a timely manner.

Section 17.56.190(6.26).D Application Requirements: The City will notify all property owners within 100 feet of a VDU property of the VDU license within 7 days of its issuance or its re-issuance. This notice "may" be combined with the required 24-hour emergency contact phone number notice required in subsection 3.b below.

5) Thank you for the disclosure statements that you have provided to us. We noticed that the meeting packet included information regarding the City Planner position contract and that Disclosure Statements were now included as a condition. When this is completed, we have requested a copy, please let us know when this will be available.

Thank you for your diligent work on these issues.

Thank you,

Tom Davies and Kathleen Lake

On 11/10/15 1:26 PM, Trinidad City Manager wrote:

I asked, and Mike updated, the max event capacity at his Parker Creek VDU on the RCVR website. He said it may take a little time to get updated across the other platforms.

Thanks for bringing that to our attention Kathleen and Tom.

Daniel Berman  
City Manager  
City of Trinidad  
(707) 677-3876  
(707) 498-4937 mobile  
P. O. Box 390  
Trinidad, CA 95570

**Subject:** RE: Trinidad California Vacation Rental violation 461 Ocean  
**From:** "Trinidad City Manager" <citymanager@trinidad.ca.gov>  
**Date:** 1/7/16, 10:52 AM  
**To:** "Tom Davies & Kathleen Lake" <tomkat4@suddenlink.net>, "Julie Fulkerson" <juliefulkerson@mac.com>, "Mike & Ann Pinske" <pinske@suddenlink.net>  
**CC:** "Sandra Cuthbertson" <scuthbertson@trinidad.ca.gov>

Hi Kathleen,

Thank you for the information - we'll follow up.

Please copy Sandra at [scuthbertson@trinidad.ca.gov](mailto:scuthbertson@trinidad.ca.gov) on all VDU issues - she is keeping our complaint records.

Dan

Daniel Berman  
City Manager  
City of Trinidad  
(707) 677-3876  
(707) 498-4937 mobile  
P. O. Box 390  
Trinidad, CA 95570

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**From:** Tom Davies & Kathleen Lake [mailto:tomkat4@suddenlink.net]  
**Sent:** Wednesday, January 06, 2016 7:37 PM  
**To:** Dan Berman; Julie Fulkerson; Mike & Ann Pinske  
**Subject:** Trinidad California Vacation Rental violation 461 Ocean

Hi Dan,

I sent you an Air Bnb ad last week about the Cottage at 461 1/2 Ocean and the way that it was advertised. The good news is that appears to be fixed today.

But now I see that the home in the front is advertised and the cottage is also connected with it.

"\*Please note that this rental is part of one VDU which also includes the Seaside Cottage and that you are associated with the group that overlaps your stay, although you share no liability with the others."

This is just ridiculous, and we would like it to be registered as a formal complaint.

<http://www.redwoodcoastvacationrentals.com/Unit/Details/33915>

Thank you,

Kathleen

## City of Trinidad

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**From:** Trever Parker [trever@streamlineplanning.net]  
**Sent:** Tuesday, January 19, 2016 2:26 PM  
**To:** Trinidad City Manager  
**Cc:** Sandra Cuthbertson  
**Subject:** Re: Reinman's vdu licenses

Just confirming that Dan is correct - both the apartments are 2 bedroom, so the maximum occupancy would be 10 if both are rented and 6 if only one is rented.

Also, I did speak with him about installing a door between the two apartments to connect them when they are rented together. I told him that no planning approval would be required for that, and that it should still fit within the ordinance and the proposed use. He will work with John on the building permit. I also mentioned that if the City changes the definition of VDU, or other provisions of the ordinance, that could change the situation. For example, if the City defines a VDU as a "dwelling unit" then one of the kitchens would have to be removed in order to rent them as one VDU.

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

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**From:** "Trinidad City Manager" <citymanager@trinidad.ca.gov>  
**To:** "Sandra Cuthbertson" <scuthbertson@trinidad.ca.gov>  
**Cc:** "Trever Parker" <trever@streamlineplanning.net>  
**Sent:** Wednesday, January 13, 2016 8:04:49 PM  
**Subject:** Reinman's vdu licenses

Hi Sandra,

I'd like to get Mike Reinman his VDU licenses for his vdu on Ocean, and for the parker st apartments.

For the ocean st home, the license and cover letter needs to clearly state that only the main house is the VDU (not the back studio), and the occupancy is based just on the front house

At the apartments – he is going to rent two of them together as a single VDU  
Trever should confirm, but they are both two bedroom, so I think that means occupancy of 10 if both are occupied, or 6 if only one is occupied.

And that they cannot be rented or advertised as two separate VDUs.

Trever or I should review the final cover letter before they go out – but do what you can up to that point.

Thanks  
Dan

Daniel Berman

4/19/2016





Tom Davies Kathleen Lake &lt;tomd.kathleen@gmail.com&gt;

**RE: 461 1:2 Ocean vacation rental complaint**

1 message

Trinidad City Manager <citymanager@trinidad.ca.gov>  
To: Tom Davies Kathleen Lake <tomd.kathleen@gmail.com>  
Cc: Sandra Cuthbertson <scuthbertson@trinidad.ca.gov>

Mon, Jul 25, 2016 at 9:12 AM

Hi Tom and Kathleen,

Thank you for this complaint, we are investigating. Please keep the City updated if tenants appear to be changing more frequently than monthly.

Dan

Daniel Berman  
City Manager  
City of Trinidad  
(707) 677-3876  
(707) 498-4937 mobile  
P. O. Box 390  
Trinidad, CA 95570

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

From: Tom Davies Kathleen Lake [mailto:tomd.kathleen@gmail.com]  
Sent: Saturday, July 16, 2016 8:29 AM  
To: sandra.cuthbertson; sandra.cuthbertson; Dan Berman Trinidad City Manager; Pam Wilcox; Cliff Poulton; Diane Stockness; West Jack; Baker Jim and Joan; Julie Fulkerson; Mike & Ann Pinske; Richard Johnson; Susan Tissot; Dwight Miller; trinidadpcscott@gmail.com  
Subject: 461 1:2 Ocean vacation rental complaint

City of Trinidad,

This is a vacation rental complaint.

The cordage behind 461 Ocean has new tenants this morning. A dark grey sedan/truck type vehicle stayed overnight. No other vehicles were parked there.

Last week a silver Subaru with a couple arrived. They stayed a few days/ or about a week. Yesterday morning they left. RCVR employees were at the house following their departure. New occupants are their this morning.

This is a significant violation of the VDU ordinance that states one VDU per parcel.

Please divide a response to this complaint.

Thank you,

Kathleen and Tom=

No Complaint  
was requested  
or required.



Tom Davies Kathleen Lake &lt;tomd.kathleenl@gmail.com&gt;

## Trinidad Complaint (anonymous) and Trinidad Complaint Process

1 message

**Tom Davies & Kathleen Lake** <tomd.kathleenl@gmail.com>

Fri, Oct 27, 2017 at 11:50 AM

To: Dan Berman Trinidad City Manager <citymanager@trinidad.ca.gov>

Cc: Trinidad City Clerk <cityclerk@trinidad.ca.gov>, John Roberts <jhnr633@gmail.com>, Dwight Miller <trinidad.miller@gmail.com>, Susan Rotwein <srotwein@trinidad.ca.gov>, Steve Ladwig <smladwig@gmail.com>, Baker Jim and Joan <jjbakers@gmail.com>, West Jack <jandjwest@yahoo.com>, Diane Stockness <diane.stockness@gmail.com>, Richard Johnson <rjbr@gmail.com>, Brett@saltystrinidad.com, johng1949@suddenlink.net

Bcc: Brendan Brisker <brendanbrisker@gmail.com>, Jacques Beaupre <jcqs.beaupre@gmail.com>, Dorothy Cox <crabby2@suddenlink.net>, Pat & Julian Morales <mawwheezzer@suddenlink.net>, Kimberly Tays <kimkat067@gmail.com>, Laura Scott <Lnscott@icloud.com>, Stephen Ruth <amcroceum@aol.com>, Adora King <aklifesabeach@gmail.com>, sandra cuthbertson <jimnsan@suddenlink.net>, Mike & Ann Pinske <pinske@suddenlink.net>, Cliff Poulton <cliff@poulton.net>, Dave Winnett <DAWinnett49@gmail.com>

City Council, City Planning Commission, and City Manager,

On Tuesday 10/24/17 a Trinidad resident filed an anonymous complaint regarding suspicious building at a local residence. This resident also contacted our community group to notify us of the complaint. While meeting in the Trinidad Clerk's office the next day we inquired of the Clerk as to the process for handling this complaint. The Clerk confirmed that he had received the complaint and that he had no contact information to respond to the complaint.

- 1) At this time I am requesting to be the contact person for this anonymous complaint/response/action and follow up, as the current lead for STN. Please use this email address for any communications regarding this resident's complaint at this time.
- 2) This residential property referred to in the complaint is also being used as a commercial STR. We are requesting that a copy of the complaint, with the Trinidad's action taken be entered into the STR complaint binder for public review and public officials to review.
- 3) Please review our Citywide complaint process and make certain that all complaints anonymous and otherwise are considered seriously and followed through on. Anonymous complaints are valued and important forms of neighborhood communication. (Unfortunately there is long standing distrust of residents in the community with regard to our Trinidad City Government. Therefore, anonymous complaints are a way to protect residents who otherwise would not come forward. I hope that the City will work to correct this problem, that has worsened over the past three years.)
- 4) Please address, as public officials, the fact that Trinidad has problems with residents feeling comfortable making complaints and city staff following through on complaints. Please address the fact that there is no written process for residents to follow on the website with timelines or procedures for anonymous complaints. Here is one proposal taken from a municipality:

*When filing a complaint, please provide the following information. Failure to provide this information may prevent the City from responding to your complaint or inquiry in a timely manner.*

*Name\**

*Contact information (Phone number with area code, cell number if possible, email)\**

*Exact property address of where the problem/hazard exists*

*Exact/specific statement describing the problem or concern*

*\* This is required for contact/response purposes; please make note if you wish to remain anonymous for confidential purposes, updates may not be provided to anonymous parties. Anonymous complaints are public record and will be made available for public review.*

I have also attached a copy of the resident's complaint to this email for your information. Please contact me if you have any further comments or questions.

Thank you,  
Kathleen Lake  
*Save Trinidad Neighborhoods*

#### **15.04.280 Violations – Public nuisance.**

No person shall violate any provision, or fail to comply with any of the requirements of this chapter and/or the secondary codes adopted herein. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title and/or any use of property contrary to the provisions of this title shall be, and the same is declared to be, unlawful and a public nuisance; subject to the city's nuisance abatement procedures and penalties set forth in Chapter 8.12 TMC. [Ord. 2004-04, 2004; Ord. 165 § 12, 1979].

#### 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].

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 **Paloma 10-24-17 complaint.pdf**  
539K





were going to be allowed to stay again tonight? He did not know. I asked if he would find that out and get back to me. He agreed to do that.

9:15 Jesse called back and apologized for the "event" that happened at the rental. He stated that the "event" will not be held at that vacation rental again tonight, as they are moving to a different rental location. He stated that the tenants were in violation of the rental contract and that they were not supposed to have more than two cars there and that they were over occupancy with how many stayed the night. We asked how many would be staying tonight. He then proceeded to state he didn't know the occupancy of the unit but that the renter knows that they violated the rental agreement. He then asked us what the City Ordinance stated. When asked repeatedly how many people would allowed to be there tonight he could not answer the question. He kept stating the he did not know the occupancy allowance and sorry for the inconvenience. If you have any more problems tonight let us know. End of conversation.

This was our morning living next door to Vacation Rentals. These are commercial businesses in residential zones with out any management but the neighbors. Who will be there tonight? Looks like a great night again tonight. At the time of this posting 10:15 am there are still four cars parked at this rental. This is not the way we planned to spend our Saturday morning. This is not right.

Please let us know if you need additional information.

# Need for Warriors





Tom Davies Kathleen Lake &lt;tomd.kathleenl@gmail.com&gt;

## Re: Oct 8th complaint response - 461 Ocean St.PDF

1 message

Tom Davies Kathleen Lake <tomd.kathleenl@gmail.com>

Fri, Nov 3, 2017 at 11:18 AM

To: citymanager@trinidad.ca.gov

Cc: Gabe Adams <cityclerk@trinidad.ca.gov>, Trever Parker <trever@streamlineplanning.net>

Bcc: amcroceum@aol.com, jcqs.beaupre@gmail.com, trinidad.miller@gmail.com, jandjwest@yahoo.com, pinske@suddenlink.net, DAWinnett49@gmail.com, rmbruce67@gmail.com, frameco@msn.com, diane.stockness@gmail.com, smladwig@gmail.com, crabby2@suddenlink.net, johng1949@suddenlink.net, Audiowaves@aol.com, Brett@saltytrinidad.com, jjbakers@gmail.com, cliff@poulton.net, brendanbrisker@gmail.com, rjbr@gmail.com, jimnsan@suddenlink.net

City Manager,

Thank you for your response. The way the City handles these complaints is very troubling and ineffective. I happened to speak with Jim Baker following this incident and I asked him if I should have called law enforcement to verify the number of people at the house. I could see at that point it was going to my word against theirs without anyone to effectively state the facts. Jim stated "we'll have to work that out". I'm waiting to see how that will be done, "Worked Out". I'm not sure how this could work unless there is someone to call to immediately respond and and verify these issues and enforce the City ordinance.

I would like to know if a "meet and greet" actually happen with these occupants on the day they arrived? You did not comment on that. I believe that all my complaint did was initiate a very late "meet and greet" with RCVR, after these people had been here for days, probably unaware of the rules.

Continually having residents subjects themselves to increased lies and intimidation by making reports to the city, is wrong. Being the front desk for absentee landlords and and subjected to property managers "opinions" and slander is not working to establish compliance or remediate problems in town. This becomes the clear issue each and every time a complaint is made.

For clarification with this complaint, I never said said anyone was "lying". I asked that if there were only 4 people "in the house" where were the others? In the back yard? At the beach? Had she asked that question?

The cars parked there were definitely associated with 461 and not with any neighbors. That was evident both Saturday and Sunday as they parked and entered the departed. Obviously at this late date this cannot be confirmed and residents cannot be protected.

Dori wrote this report but she did not respond to the problem. Facts and details were written by her and skewed for her benefit, as property manager. When I sit in my front porch and read am I "watching" or am I enjoying my home? Perhaps the City would rather residents leave their homes so they would not be forced to see what's happening next door and make complaints?

It is my hope that this feedback supports changes in the way this ordinance is enforced and updated by the Planning Commission and City Council. During public comments last year all of these issues were brought forward and left unaddressed by the Council. Socializing the costs of STRs onto the residents, through administration and management of these commercial businesses, and privatizing the profits, is not working now and never will for residents in Trinidad.

Kathleen

On Nov 3, 2017, at 10:22 AM, <citymanager@trinidad.ca.gov> <citymanager@trinidad.ca.gov> wrote:

Dear Kathleen,

Attached is the City's response to your complaint of October 8<sup>th</sup>.



On Sat, Nov 4, 2017 at 6:15 PM, Tom Davies & Kathleen Lake <tomd.kathleenl@gmail.com> wrote:  
Trinidad City Manager,

Today while working in our yard the occupant in the front at 381 Ocean was also outside emptying trash and preparing to leave in her car. I observed her there but did not speak to her for several minutes, as we worked on our yard project.

As she was getting into her car:

- She said "hello" to me.
- 
- I returned the greeting and said "hello" to her.
- 
- She said "the yard looks nice" and I replied "thank you". Then she said "I hope that my dog does not bother you with that howling".
- 
- I said "is that your dog?" thinking that perhaps it was further down the street.
- 
- She said "yes, but he'll only howl for about an hour".
- 
- I said "please don't leave your dog unattended and howling".
- 
- She said "why not?" I said, " because it against the rules."
- 
- She said "what rules?"
- 
- I said you may need to talk with your property manager and that is not me.
- 
- She then began to berate me loudly and very aggressively stating "you do NOT KNOW ME! YOU DO NOT KNOW MY STORY! HOW DARE YOU BE SO RUDE....."
- 
- I backed away from the fence area because her behavior was escalating. I stated "you need to stop talking to me."
- 
- She continued yelling and I walked into the house and Tom watched her get into her car and drive away.
- 
- I called Dori to report the issue.
- 
- Dori answered and told me that I had the wrong number, that this was her personal number and that someone else was responsible and she gave me that persons name.
- 
- I told her that this was the number that I was provided by the City.
- 
- She said "the number has been changed, the City sent out a new list."
- 
- I told her that I had not received a new list or number.
- 
- I asked her if she wanted to hear the incident and she agreed. Following my statement she told me that she would contact the occupant. She also told me that the occupant was a LONG TERM TENANT. I told that I was not aware of that either.

- Dori made a followup call to us stated that "she went over the pets rules with the guest and she has now has an understanding."

•  
This tenant violated our rights. I did not initiate a conversation with her. I do not feel that I need to put up her dog howling while she is not there. This situation was very disturbing and interrupted and disrupted our afternoon. I was at the point of calling the police over her behavior and the dog howling. I never saw her remove the dog from the house but I left the area for the next few hours. We will call the police if she attempts to speak to us again or if we are bothered by her dog.

In reviewing this situation there are several additional problems that must be addressed by the City:

1. This is the second time that we have contacted the Dori Fauik recently and been told that she is **not responsible** and that I have the wrong number, her personal number. If her number has changed we are not yet aware of it but she continues to be listed as the contact person as per Dorothy Cox, not someone else. We must have this addressed ASAP. Is she the contact person or not? We are supposed to be notified if the contact person changes.
2. Is the City notified when an STR changes status to a LTR? Are neighbors notified of this change? Is this change permanent? Temporary? Does it matter? As far as we are concerned we cannot determine who is ST and who is LT and we will continue to follow the same process as we have been directed by the city for STR's unless you provide a different solution.

This STR is a constant nuisance and again the occupants were fully unaware of any rules even though they have a dog as a part of the rental agreement.

I will wait for your response to yet another violation at this same property.

Kathleen and Tom





Tom Davies Kathleen Lake &lt;tomd.kathleenl@gmail.com&gt;

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**Fwd: Wedding party of 30 at STR**

1 message

Tom Davies Kathleen Lake &lt;tomd.kathleenl@gmail.com&gt;

Fri, Nov 10, 2017 at 5:17 PM

To: Kimberly Tays &lt;kimkat067@gmail.com&gt;, Pat &amp; Julian Morales &lt;mawwheezer@suddenlink.net&gt;

Kathleen

Begin forwarded message:

**From:** Tom Davies Kathleen Lake <tomd.kathleenl@gmail.com>**Date:** November 10, 2017 at 5:11:26 PM PST**To:** Dwight Miller <trinidad.miller@gmail.com>, Baker Jim and Joan <jjbakers@gmail.com>, West Jack <jandjwest@yahoo.com>, Trinidad City Manager <citymanager@trinidad.ca.gov>, Diane Stockness <diane.stockness@gmail.com>, Richard Johnson <rfjbrr@gmail.com>, Steve Ladwig <smladwig@gmail.com>, srotwein@trinidad.ca.gov**Subject:** Wedding party of 30 at STR

Wedding on Wagner street today. Second wedding event here in four weeks. The property manager Linda Moran was called the last time by Adora King and she told Adora "what do you want me to do about it?" Adora was told by the occupants today at about 1pm there would be 30 people attending this wedding at three thirty. Adora told the gentleman that this is not allowed by STR ordinance. Adora then reported it to the Mayor. She had to go to get a medical procedure done and did not want to return home to this wedding. Adora called Dorothy and Dorothy watched people be dropped off at the STR. Dorothy called law enforcement to report it 3:59. We walked past and took this video. The mayor was on Wagner Street as we walked by and he was shown the video and made aware of the violation. The City did not help Adora in any way. She filed a five page complaint report less than a month ago for the same activity and as of today she has had no response.

This must be addressed.

Kathleen

More complaints  
from Wagner

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 **IMG\_3863.MOV**  
18153K

November 10, 2017

On November 9, 2017, the first occupants arrived at the STR located at 375 Wagner Street, managed by Linda Moran/Trinidad Bay STR. On Friday November 10<sup>th</sup> I walked to my car to leave for an appointment in Eureka. The occupant from the mentioned STR approached me and asked if he could pet my dog. He proceeded to tell me that they had booked the Pacific Heights STR for a wedding and reception that was taking place at 3:30 pm that day. I told him that weddings are not allowed at STR's. He stated that "only thirty guest are expected to arrive".

I called Mayor Miller and told him what the occupant had just told me. I had just informed the city council of a complaint I had submitted on October. 13<sup>th</sup> for a previous wedding reception expecting "a small party of 30".

Due to the city manager, Mr. Berman's approach on the "he said/she said" method of handling these complaints, I asked Mr. Miller to phone Mrs. Moran regarding activities occurring this weekend at this property.

I asked him to ask her:

1. Did she or a designated person do a required ( by ordinance) meet and greet with the tenant? I told Mr. Miller I had not seen any manager arrive since the 1 pm arrival of the occupants on the previous day.
2. How did she record the required client/vehicle registration form for this booking?
3. When the occupants booked this house for a wedding (they readily told me why they were there) did she inform them, (a) that events such weddings, as distinctly described in the ordinance, are not allowed at STR's, (b) only 6 occupants/6 visitors are allowed at this property.

I asked Mr. Miller to tell her she should consider his call to her as a complaint call from me which I would follow-up with a written complaint.

I left for Eureka stopping to call Dorothy Cox to tell her another wedding was taking place this afternoon at this STR. Since I did not plan to return to Trinidad until 6 pm, she said when she took her granddaughter for a walk that afternoon, she would walk down Wagner Street to access the mount of people, cars, and noise across the street from my home.

Approximately 3:45 that afternoon Mr. Miller returned my call. He stated that he talked to Mrs. Moran and she told him that "she had done a meet and greet" with the current occupants.

I returned to Trinidad at approximately 7 pm, stopping at the Cox's house. Kathleen Lake was there. Dorothy told me that she and Kathleen had walked down to Wagner Street. They walked on the Indian Beach Trail and observed/video recorded the wedding taking place on the rear deck of that STR. They stated Mr. Miller was also present as they came around the corner onto Wagner Street. Kathleen let me know that she had sent a email message with the attached video to all council members and planning commission members.

On Saturday November 11<sup>th</sup> at 9 am, City Council member Jim Baker called me and said he received Kathleen's email and was going to walk by to observe the situation. Mr. Baker arrived with Jack West. I walked out and talked to them. The occupants of the STR were packing their cars ( arrived Thursday at 1 pm, wedding was held on Friday, and they left before 11 a.m check out on Saturday.) The man I had talked to Friday afternoon regarding the wedding walked up to our group. I asked him if their 30 wedding guests had arrived for the event. He stated "only about 22 people" had made it. I asked him if the manager had done a meet and greet with them. He stated, "No, we didn't see anyone all weekend. We only got a phone call."

As is Mrs. Moran's past practices, after receiving a complaint call from Mr Miller, a call is placed to the tenants to tell them to move their cars to a public street.

VIOLATIONS:

1. Excessive traffic – not conforming to residential use- on the day of wedding. Guests were observed being dropped off in front of the STR then vehicles turning around in private driveways. This practice has been done at other events that have taken place at this STR. Wagner Street is a primarily private street with maintenance costs left to homeowners, not the city. The street use is not intended for excessive commercial traffic.
2. Visitors – Excessive guests ... 6 occupants / 6 guests max.
3. Event – weddings/receptions specifically defined as events are prohibited activities.
4. Meet and greet – not done. Mrs. Moran lied to Mr. Miller as testimony by occupants and witnessed by councilmen Baker and West.
5. No Guest Registry/Vehicle Registry. Mrs. Moran did not respond to the property – how did she know, remotely, how many occupants/ guests/ vehicles/ pets had arrived
6. False advertising - The website for this property currently continues to advertise 8 people ....it should read 6 adults / 2 children ( previous webpage allowed 10 people!)
7. Providing false information on an STSR license application - Floor diagrams submitted and approved by the building inspector, John Roberts, for license renewal for year 2017-18 continuously to be blatantly false.

I am aware that this property is currently advertised for sale on the Internet ( Forbes Realty). No "For Sale" sign is posted on the property. The owners have renewed their 2018 STR business license with online bookings through the end of this year showing intent to continue doing STR business until the property sells.

*Adara*





Tom Davies Kathleen Lake &lt;tomd.kathleenl@gmail.com&gt;

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**Adora's good news**

1 message

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**Tom Davies Kathleen Lake** <tomd.kathleenl@gmail.com>

Sat, Nov 11, 2017 at 5:31 PM

To:

[REDACTED]

Follow up to yesterday: FYI

Adora called today and said she thought the email sent yesterday helped. She said that Jim and Jack came down her street this morning, right as the occupants at the Wedding STR were leaving. Adora went out and asked a couple questions that the occupants kindly answered. Jim and Jack were there to hear the occupants responses.

Adora: did anyone come over while you were here to talk about rules with you? Or do something like a meet and greet?

Occupants: no. No one ever came by, or talked to us like that while we were here.

Adora: did all 30 guests make it all the way up here for the wedding?

Occupants: no not everyone. We had about 22.

\*Someone's not being truthful about meet and greets and occupants in STRs.



Kathleen

February 1, 2018

To: Dan Berman  
City Manager

Subject: Short Term Rental Complaints filed 10-18-17 and 11-14-17  
STR Address : 375 Wagner Street Trinidad, CA. Adora  
Linda Moran, Property Manager Trinidad Bay Vacation Rentals

Thank you for providing me copies this date consisting of 20 pages of emails between you and Mrs. Moran regarding the above two referenced STR complaints.

I won't waste time responding to 90% of Moran's response which solely attempts to discredit me with unsubstantiated lies and false accusations. She does not intimidate me with her threats of restraining orders or litigation. I am sure she will be well advised by her legal team of "Joshua Mason, Former CA Street Gang/Prison Gang Member" and "I am not your attorney" Darryl Johnson.

I will respond to relevant violations of the STR ordinance stated in my complaints and backed up by independent witnesses.

First I would like to point out that these violations are "against the city". It is the city's ordinance that is being violated. Unfortunately, the complaint process requires the residents to report violations. As seen in this complaint and complaints submitted by other residents it causes us to be put in a position to be (1) victims of STR abuse and (2) defendants of threatened litigation.

I mention this because I sincerely hope that when residents in good faith, take time to submit these complaints to the city, whether it be the city manager, the mayor, the council or the planner/commission, the outcome is determined by facts substantiated by evidence and independent witnesses and not by a personality contest or showing favoritism to the side less likely to appeal the decision! Unlike my complaint, Moran's response attempts to create a smoke-screen with personal attacks against me.

Her response does not contain any direct statements or letters from independent witnesses, just hear-say statements from her that cannot be verified.

There are two outstanding complaints. Moran seems to be only responding to the second complaint. She appears to have her two "wedding bookings" at this STR mixed up. The details she describes of the wedding activity for the for the second complaint on Friday 11/14/2017 are actually the details for the wedding that I described in my first complaint. The date for the first complaint was 10/18/2017. As per my complaint for 10/18/21017, the wedding was going to take place on a beach and their dinner party was taking place at the house.

Moran also seems to misinterpreting Mayor Miller's phone call to her on Friday, 11/10/2017, indicating that there were "two complaints by Adora" on this occasion. There are TWO SEPARATE OUTSTANDING COMPLAINTS consisting of NUMEROUS VIOLATIONS

Again, here are the violations backed by evidence:

- \* City parking code violations/ excessive traffic
- \* Meet and Greet ordinance violated
- \* Excessive tenant/visitor/events
- \* Noise complaints / filed by Mrs. Frame and Don Angst
- \* Diagrams of STR is not correct. John Edwards investigated and found misrepresentation.

Video: First, I did not take the video. Due to the city's "he said- she said" method of adjudicating complaints, the first question always asked by the city is "did you get any pictures?" The city is aware that I have presented volumes of pictures to the council/planner regarding excessive parking issues at this STR managed by Moran.

It should be noted, although Moran objects to the legality of the video taken (which clearly shows a wedding with a bride, groom, officiant and guests taking place) she readily uses it to support her defense regarding the account of the number of guests.

Irrespective of the fact that Moran submitted pages of opinion by her professional legal advisors, I still submit there is no expectation of privacy violated:

- \* no one entered onto any private property or trespassed
- \* did not use any device or special lens to enhance the video
- \* video taken by lay person on an iPhone
- \* subjects were videoed on an open, unfenced yard
- \* video taken from a highly trafficked public beach trail approximately 20' from lawn

*see ordinance*

Notification Protocol:

First, in Moran's email she states that Dan Berman and Mayor Miller tell her the second notification was a problem. Really!!!!

In the first complaint, October 13, 2017, I did call her. What I reported, she said on the phone to me, was "what is going on?" Again, she misinterpreted the facts. K. Lake had reported in her email that Moran replied to ( Adora) what do you want me to do about it?

Has Moran ever read my first report from 10/13/2017?

Mayor Miller told her about the complaint. After she was notified by him, in her report she states "I drove by and saw four cars". Even after the complaint she did not stop and talk to the tenants!

Mayor Miller told me he would call her (he did) and I made it very clear to him that I wanted him to tell her that I considered my call to him as the required notification and that an official citizen complaint form would be submitted to the city manager the next day. I fully understand the "required notification call" protocol. I have had to use it to call Moran and the property owner, Domb, several times!!!!

In Mayor Miller's statement he stated " Adora did not want to speak with Moran, as Adora has concerns about the last call". He also states " he told Adora to call Moran next time".

I never told Mayor Miller that I had concerns talking to Moran, nor did he tell me to make future phone calls to Moran. He knew from our conversation that I was done calling Moran. I had had enough! I didn't have any concerns about making the call, I was just done playing the cat and mouse games to supervise STRs for property managers.

I had filed a complaint regarding a large event just 28 days previously and now it was happening again!!!!

I am disappointed in Mayor Miller's self-serving statement which appears as an attempt to send a message to me that he does not want to be involved in mediating STR issues.

I don't make a practice of email or calling city officials during or after hours. Residents are desperate for help with the issues created by STRs. Most booking incidents occur on weekends so there is no one from the city to report to. I was fed up and called Mayor Miller at home.

Meet and Greet:

(evidence of a Meet and Greet, Good Neighbor Contract and Guest Registry were not included in my packet from City Manager Berman. So I have not seen them)

Moran states (per Dan Berman) that the city policy is to consider that a signed Good Neighbor Contract form satisfactorily fulfills the requirement of the ordinance language of Meet and Greet. She continues to say she physically completed the obligation of the ordinance requirement of a Meet and Greet. ( that she met with the tenant). Why does she use Berman's interpretation of simply filling out the form as compliance to her Meet and Greet? Regarding the second complaint, the father of the bride told me (as stated in my report) that a wedding took place at the house. Jim Baker and Jack West, two of our city council members, were a part of this conversation. The gentleman very specifically said, "we did not see any person from the management company all weekend, we only received a phone call". I also asked the tenant if people taking the video disturbed the event. He said "no".

Police Call:

I did not call the police.

Other Complaints:

In Moran's 11/14/2017 response to Dan Berman ( #4) she states that she did not receive any other complaints regarding this second incident. Further in her statement she admits to receiving independent complaints submitted by Mrs. Frame and Don Angst.

Harrassment/Complaints:

Moran has never, in the five+ years that this property has been an STR, notified me or the city of any harassment to the guests. To the contrary, guests frequently approach me for any ideas about restaurants/sight-seeing recommendations and apologize for the nuisance that STRs cause to our community.

I have tried to work with Moran and Domb. I have asked them to limit cars. I have just been disregarded. They want only to protect the income that this property makes for them.

I am asking the city to put some teeth in their decision so that this abuse of residents will stop. The complaints were filed in a proper and timely manner. I want the violation to be enforced. A suggestion that the city impose a minimum fine of \$500.00 ( equivalent to only one night's stay) would not be extravagant. There are two complaints with significant violations for this STR property in a month's time! The city manager has indicated to Moran in his response that perhaps she might be prepared for this. He says " You may want to consider holding their deposit until this is resolved...."

If she such a professional business person she has liability insurance to cover her business.

Although this property has sold and no longer is operating as an STR, Moran continues to operate Trinidad Bay Vacation Rentals and other STR properties. She should be held liable for this violation.

house. Then when the people left before 10am (checking out?) they made sure to make the thumping base louder and spin their tires and speed on Parker Creek Drive.

Anyways... just wondering if you know if these calls are forwarded to the City also?



Hi there T&K

7/16/19

I have called the phone # listed on the City issued list of STR managers twice now over the past month or so. RCVRs new phone system is just as impersonal as the nameless faceless people that invade our neighborhoods.

The call is to some phone bank who knows where and you get put on hold. They have no clue about Trinidad and this system is just another layer of inconvenience to make it difficult to file a complaint.

My most recent call being Sunday morning 7-14-19. Starting before 8am Paloma Lodge renters were BLASTING deep base rap crap music. It was so violent that it rattled the windows of my



Tom Davies Kathleen Lake &lt;tomd.kathleenl@gmail.com&gt;

## STR and Law Enforcement unresolved issues these past weeks.

1 message

Tom Davies &amp; Kathleen Lake &lt;tomd.kathleenl@gmail.com&gt;

Tue, May 21, 2019 at 9:04 AM

To: Trinidad City Manager &lt;citymanager@trinidad.ca.gov&gt;

Bcc: Pat Morales <mawwheezzer@suddenlink.net>, Alan Grau <trinidadrunner@suddenlink.net>, Leslie Farrar <oceanspraylavender@gmail.com>, Dorothy Cox <crabby2@suddenlink.net>, Adora King <aklifesabeach@gmail.com>, Jacques Beaupre <jcqs.beaupre@gmail.com>, Gail Kenny <gailkenny@gmail.com>, Brett Gregory <bdgregory81@gmail.com>, sandra cuthbertson <jimnsan@suddenlink.net>, Dave Winnett <DAWinnett49@gmail.com>, Diane Stockness <diane.stockness@gmail.com>, Elaine Weinrab <elreb@suddenlink.net>, Cheryl Kelly <cherogo@outlook.com>, West Jack <jandjwest@yahoo.com>, Laura Scott <Lnscott@icloud.com>, Rose McCarthy <rosemc16@juno.com>, Richard Bruce <rmbuce@northcoast.com>, Dwight Miller <trinidad.miller@gmail.com>, Steve Ladwig <sladwig@trinidad.ca.gov>, John Frame <frameco@msn.com>

Dear Trinidad City Manager,

After being in contact with several neighbors over the past few days regarding STR complaints and law enforcement issues I wanted to make you aware of the issues that I have also encountered. The complaints that I have heard from my neighbors involve issues regarding STR's and noise during the day and nights have disrupted our peaceful enjoyment of our homes. Issues have also been reported regarding intruders attempting to break and enter homes, siphoned gas from vehicles and cars being broken into and the general feeling concern for safety when transients roam the neighborhoods and we have no idea who is next door to us or on our streets in our neighborhoods. I understand from neighbors that you are addressing some of these issues with the HCSO today, and the repeated and serious lack of contract deliverables by the Sheriff, as per our city contract with them. We are contracted for 1.5 FTE Sheriff officers and apparently that contracted time has not been fulfilled. Residents of town were not notified of the law enforcement reduction but have encountered a significant increase in safety issues in town.

As I have discussed with you, I do not report STR issues to the Property Manager (PM) any longer, as when I have reported them in the past there was no action taken by the city. Instead, I was subject to retaliation by the PM, on multiple occasions, as have other residents in town. The city has clearly notified me that when there is no real time "witness" (code enforcement or law enforcement officer) at the time the problem occurs, there is nothing the city can do if the PM denies the problem happened. Therefore, any actual enforcement of the STR ordinance is non-existent. As you are also aware, in the past the STR enforcement process has not been effective for multiple residents who have also made very valid complaints. Typically what happens is: the PM has denied the problem occurred to the city, and has sent letters to the complaining resident threatening litigation for making these complaint reports long before the City Manager has contacted the resident making the complaint. The former City Manager followed up with us on multiple occasions stating that the city could not make a determination for an STR violation as they had "two different stories", and therefore could not make a determination of violations. The city clearly still has no adequate enforcement process and has not moved to correct this problem, as we head into yet another "season". These past responses that we received from the City, regarding prior complaints, should be reviewed immediately by the City Council to determine how this problem will be addressed over the coming summer season. Most residents who have made complaints in the past no longer make complaints for these above reasons.

Specific issues during the past week that I have personally encounter or have been reported to me by my neighbors, include the following:

Saturday the STR that is owned by the Covney's, and next door to me, had a dog barking in the home for most of the day, while no one was at there. I heard the dog barking from the STR multiple times as I worked in my yard and from the inside of my home. Then, Sunday night I was awakened at approximately 11:00 pm, by the same STR when people were gathered in the driveway, moving vehicles, opening and shutting car doors, chatting and coming and going. I suspect that there were also occupancy overages at the STR at the time but I did not count, or make a report, as these efforts have been absolutely futile on multiple occasions in the past and have caused more stress and distress than relief.

It was shared with me by residents over the **past several weeks** that the STR's in their neighborhoods have had many issues that have affected them. They have not made reports due to the fear of the same retaliation, and lack of City follow up, that they have suffered in the past. Issues have included: STR occupants parking on streets and blocking the street, alleys, and trails; STR occupants smoking near their property and allowing the smoke to drift onto neighboring properties in close proximity; multiple accounts of dogs being left in the STR barking when no one is there; apparent occupancy overages that go unaccounted for by the PM, no Meet and Greet being done by PM; being wakened in the night as



# RESPONSES TO COMPLAINTS



June 29<sup>th</sup>, 2018

Complaint Response

Dear Ms. Lake,

Your complaint regarding an off-leash dog associated with the STR at 461 Ocean Ave was received via email on the evening of Monday June 25<sup>th</sup> (Attachment 1). I responded to you via email the next morning to acknowledge receipt of the complaint and estimated I would have a response by the end of the week. I shared the complaint with Redwood Coast Vacation Rentals (RCVR) and asked them to answer a set of questions about what happened (Attachment 2). They provided a brief response the same day (Attachment 3), and they provided the Code of Conduct (Attachment 4) and response to my questions (Attachment 5) the next day, Wednesday June 27<sup>th</sup>.

Based on the information available from your complaint and RCVR's response, I draw the following conclusions:

- 1) The STR occupant's dog was off leash.
- 2) There are conflicting accounts of whether that occurred off the property (in violation of the City Municipal Code), or on the property.
- 3) Your call to RCVR's contact number was answered immediately and handled professionally, including contacting the guests right away to correct the situation, and following up with you promptly.
- 4) By their account, (as reported by RCVR), the guests were aware of the leash requirement. They did sign the required 'Good Neighbor Contract' which includes this information.

It would be very difficult to issue a citation for the off-leash dog in this circumstance without a Deputy Sheriff witnessing the off-leash dog. RCVR seems to have fulfilled all their obligations under the STR Ordinance in terms of making the rules clear, obtaining signatures on the Good Neighbor Contract (via their online version of it), and responding promptly to the call, and to my questions about the incident.

My determination is that this incident does not constitute a 'Significant Violation' of the STR Ordinance. This complaint, with response, will be filed and become part of the record for future STR discussions. I suggested to RCVR that providing a leash in their rentals and additional signage about the leash law could help, and they agreed.

I appreciate that it takes time and effort for citizens to notify the City and STR managers when problems arise, and I thank you for making that effort so that this incident can be captured for the

record and can help prompt improvements such as providing leashes and specific leash law signage in STRs.

Sincerely,

A handwritten signature in cursive script that reads "Dan Berman". The signature is written in black ink and is positioned above the printed name and title.

*Dan Berman*  
*City Manager*

Cc: RCVR  
City Council  
City Clerk  
Planning Commission  
City Planner

MATHEWS, KLUCK, WALSH & WYKLE, LLP

FRANCIS B. MATHEWS (1923-2000)  
LAURENCE A. KLUCK  
KELLY M. WALSH  
TIMOTHY J. WYKLE  
NEAL G. LATT

ATTORNEYS AT LAW  
100 M STREET  
EUREKA, CALIFORNIA 95501  
TELEPHONE: (707) 442-3758  
FACSIMILE: (707) 442-0813

LEGAL ASSISTANTS:  
LINDA SHAW  
SUSAN MAY  
AMBER KLUCK

November 20, 2017

Ms. Kathleen Lake  
P.O. Box 1164  
Trinidad, CA 95570

Dear Ms. Lake,

I am an attorney who represents Mike Reinman and Redwood Coast Vacation Rentals, including but not limited to, his/their short term rentals (STR) and long term rental (LTR) at 461 Ocean and 178 Parker Creek Road in Trinidad.

It has come to the attention of my clients that on November 4, you engaged in harassing conduct in regard to a long term tenant who now resides at 461 Ocean. This conduct includes, but is not limited to, your misrepresenting to said LTR tenant an alleged local ordinance(s) regarding supervision of pets which did not exist. This conduct has resulted in said tenant reporting that she feels threatened, harassed by you and shaken, and that it caused her significant emotional distress. Please be advised that your conduct has directly jeopardized my client's continued landlord-tenant business relationship with this lawful tenant.

Additionally, on October 8, at the same location, you made an unrelated formal complaint to the City of Trinidad (a record accessible to the public), asserting that "six vehicles were parked at the property" (461 Ocean) and that a prohibited "occupancy overage" was occurring. After the property manager, Dori Fulk, arrived to respond to your complaint, she remained on the scene to investigate. At no point was it substantiated by either Ms. Fulk or the City that occupancy limits (up to eight adults and two children under 12) were exceeded at any time at 461 Ocean. Moreover, Ms. Fulk witnessed neighbors exiting from an unrelated residence (495 Ocean), entering the vehicles you identified as your evidence of the alleged "occupancy overage" at 461, and then driving away. Accordingly, your complaint to the City evidences a negligent – if not intentional – misrepresentation, which are both actionable civil causes of action. Moreover, the City's November 1 response to you (also a public document) stated that your "complaint includes photos showing a number of cars parked in the vicinity. None of this parking appears to be illegal – these are public right of way spaces."

Ms. Lake, as you know, the "Violations" section of the City's STR Ordinance states, "7. False Reports and Complaints It is unlawful to make a false report to law enforcement or City officials regarding activities associated with short term rentals."

Please be on notice that continued conduct of the sort described above will expose you to the following civil causes of action brought against you by my client in Humboldt County Superior Court, seeking maximum damages, costs and attorney fees:

- Intentional Interference With Prospective Economic Relations
- Negligent Interference With Prospective Economic Relations
- Intentional Interference With Contractual Relations
- Inducing Breach of Contract
- Intentional Misrepresentation
- Negligent Misrepresentation

Very truly yours,

A handwritten signature in cursive script, appearing to read "Neal G. Latt".

Neal G. Latt

cc: client

(A)

**City of Trinidad**

where is the  
response

**From:** Trinidad City Manager [citymanager@trinidad.ca.gov]  
**Sent:** Monday, February 22, 2016 11:42 AM  
**To:** 'Trever Parker'  
**Subject:** RE: Reinman letters

Thanks Trever,

If we ask Reinman to update that list of cars and people, and he refuses to comply with that condition, what's your take on the city's options?

Daniel Berman  
City Manager  
City of Trinidad  
(707) 677-3876  
(707) 498-4937 mobile  
P. O. Box 390  
Trinidad, CA 95570

**From:** Trever Parker [mailto:trever@streamlineplanning.net]  
**Sent:** Monday, February 22, 2016 10:12 AM  
**To:** Trinidad City Manager  
**Subject:** Reinman letters

Good morning,

I'm sure you've got Andy working on a response to Reinman's Attorney letters of Feb. 11. Or maybe not since they are so ludicrous, maybe they don't warrant a response. I actually found them quite entertaining. Since when can you just take back your signature from something you already agreed to? But I might be able to add some helpful details regarding the conditions of approval objection. Mike voluntarily agreed to those conditions at the meeting. And then he did not appeal them. He can not change his mind now without invalidating the permit. In fact, the minutes show that he was the one who suggested the license plate condition, and that he specifically agreed to the 6 person limit as worded. He did this in order to appease the neighbors and smooth the approval process. There were a number of people upset about his lack of compliance with City rules already, and so the conditions went above and beyond what was normal. He could have challenged those conditions at the time, but he did not, and so it is too late. Andy was at the meeting when his project was approved. I have attached the minutes from the two meetings. Mike can make an application to the Planning Commission to amend his project conditions if he wants them altered or removed.

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

**Subject:** Questioning the 407 tenants about the home being used as a vacation rental  
**From:** Mike Reinman <mgmt@redwoodcoastvacationrentals.com>  
**Date:** 12/1/15, 12:40 PM  
**To:** "Tom Davies & Kathleen Lake" <tomkat4@suddenlink.net>  
**CC:** Trinidad City Manager <citymanager@trinidad.ca.gov>, City of Trinidad <cityclerk@trinidad.ca.gov>

Kathleen,

It has come to our attention that you were recently over at 407 Ocean Ave questioning them as to whether the property is being used as a vacation rental. It is not being used as a vacation rental, as they told you. However, that property does have a VDU permit and could be used as one, for your information.

Also I am kindly asking that you not engage the 407 tenants, or any of our other tenants, or go on any of our properties, for that matter. Failure to refrain from doing this may result in us taking legal action against you.

Respectfully,  
Mike Reinman

September 30, 2015

Daniel Berman  
City Manager  
City of Trinidad  
PO Box 390  
Trinidad, CA 95570

Re: Your letter dated September 24, 2015

Dear Dan:

I have carefully reviewed your most recent letter of September 24, addressing alleged violations of the City of Trinidad's VDU Ordinance, and offer the following response:

At both locations which you addressed (461 Ocean and 651 Parker), you noted that the City has identified similar online marketing by Redwood Coast Vacation Rentals for the two properties. After carefully reading the text of the VDU Ordinance, it is my belief that the marketing of both properties is in compliance with the ordinance's language specifying that "(t)here shall be no more than one VDU per parcel." Section 17.56.190 (6.26).F. As you noted, my website listing clearly states, "Please note that **this rental is part of one VDU** which also includes [all dwellings onsite] and that you are associated with the group that overlaps your stay . . . ." Because prospective guests to each of these two properties are clearly informed, in advance, that they are will be part of a **single group** renting the property, and each of these prospective guests accepts this understanding as a condition prerequisite to the rental of each property, this practice is in compliance with the stated language of the ordinance.

Notwithstanding the above, in an effort to cooperate with the preferences of the City as indicated in your letter, I am willing to edit the aforementioned existing website language to integrate your preferred wording. Within seven days of the date of this letter, as a good faith gesture, I will edit the marketing passages for the two properties which currently state,

"\* Please note that this rental is part of **one VDU** which also includes [all dwellings onsite] and that you are associated with the group that overlaps your stay . . . ."

to now state:

"\* Please note that this rental is part of **one VDU** which also includes [all dwellings onsite] and that you will be a constituent part of **one party on site at the time.**"

Contrary to your assertions, please also note, Dan, that the City's VDU ordinance *does not* clearly define what "one VDU" is to be, nor does it address particular standards for the marketing of VDUs, thereby making your objection to my use of separate booking calendars beyond the scope of the ordinance. Specifically, I use separate booking calendars because it is my experience that it is common for individuals who are constituent parts of a single party to arrive and depart at different times, and it is important for me to identify who will be on site, and in what particular dwelling, at any given time.

I note that what the City's VDU ordinance *does* state, however, is that a VDU "means any structure, accessory structure, **or portion of such structures**" [plural], rendering my interpretation, at a minimum, reasonable and tenable. Section 17.56.190 (626).B.5. Please note that California case law establishes that it is the responsibility of all municipalities to clearly set out, without vagueness or ambiguity, the intent of their ordinances within the language of those ordinances, and at least in this particular case, the City failed to reasonably make clear the interpretation you suggest it does.

Instead, it is my personal belief that, based on my participation in the drafting of the ordinance as a member of the City's VDU Committee, the body of the ordinance as a whole itself reflects **my** understanding, as set out above. Namely, I believe that the City's VDU ordinance was drafted to be *inclusive of* the multiunit properties I manage as longstanding VDUs, pre-dating the ordinance, and that the insertion of the "one VDU per parcel" language arose as a hurried, last-minute afterthought at the final Council meeting, following the closure of the period for public comment on the rest of the ordinance. I note that this understanding is consistent with accounts of the background of the ordinance provided by City's own staff. For example, Trever Parker stated in the "Summary" section of her Supplementary Packet for the June 30, 2015 City Council meeting (available at the City's website):

"On April 8 the Council requested that staff bring back an amendment to the VDU ordinance that would remove [the one VDU per parcel] limitation for lots with more than two dwelling units. This request was made in response to concerns that limiting the number of VDUs to only one in an apartment building was not necessarily appropriate, and that it was a late change to the Ordinance that caught some people unaware. (This limitation was in early drafts, was removed at the Planning Commission level, and re-inserted at one of the last Council meetings reviewing the language)."

I would also like to address at this time the participation of Kathleen Lake as a new City Planning Commissioner in ongoing evolution of the VDU Ordinance. As you know, Ms. Lake was recently appointed as a Planning Commissioner at the May city council meeting, immediately prior to the Planning Commission's May 23 discussion of a possible amendment to the ordinance. Having reviewed the minutes of that meeting, it is clear that Ms. Lake provided one-sided, skewed, erroneous comments at that meeting **in her capacity as a sitting Commissioner**, particularly in regard to the history of the VDU Committee and the "one parcel per VDU" clause, misrepresenting that that language arose out of committee consensus. Nothing

could be further from the truth. As you know, **Ms. Lake lives directly next door to the VDU I manage at 461 Ocean.** has a documented history of harassment and hostility to its use as such, and finally, has a clear **financial conflict of interest** (e.g. her own property value) which should prohibit her from any further input – either by discussion or vote as a Commissioner – as to the ongoing evolution of the VDU Ordinance. Should Ms. Lake fail to immediately recuse herself from any further participation in discussions or votes as a Planning Commissioner as to the VDU Ordinance, I intend to initiate litigation against the City, City Council, Planning Commission and Ms. Lake herself, to compel the termination of this clear conflict of interest, seeking maximum damages, attorney fees, and costs against the named parties.

That said, I remain open to future one-on-one discussions with you, Dan, as to creative solutions and/or compromises regarding how the City and I can move forward together into the future, toward crafting a win-win solution for us both on this clearly contentious issue.

Respectfully,



Michael Reinman