



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: February 4, 2021

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Jerry McGuire Coastal Development Permit**
Record Number PLN-2019-15773
Assessor's Parcel Number (APN) 306-024-004
6766 West Avenue, Fields Landing

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Please contact Tricia Shortridge, Planner, at 707-268-3704 or by email at tshortridge@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 4, 2021	Coastal Development Permit	Tricia Shortridge

Project Description: An application for an after-the-fact Coastal Development Permit (CDP) for unpermitted development associated with construction of a single-family residence. The residence is two story and approximately 1,700 sq. ft. on a 4,791 sq. ft. corner lot in Fields Landing. The site plan shows the residence encroaching into the rear, front, and exterior side yard setbacks. The proposed development is within an established residential neighborhood and there is no environmentally sensitive habitat on site. The construction of the residence does not require site preparation involving vegetation removal or grading.

Project Location: The project is located, in the Fields Landing area, on the west side of West Avenue, approximately 50 feet northwest from the intersection of West Avenue and Central Avenue, on the property known as 6766 West Avenue.

Present Plan Land Use Designations: Residential Low Density (RL).

Present Zoning: Residential Single Family, 5,000 sq. ft. minimum lot size (RS-5)

Record Number: PLN-2019-15773

Assessor's Parcel Number: 306-024-004

Applicant

Gerald McGuire
PO Box 322
Fields Landing, CA

Owner

Gerald McGuire
PO Box 322
Fields Landing, CA

Agents

N/A

Environmental Review: CEQA does not apply to projects which a public agency rejects or disapproves per §15270.

State Appeal Status: Project is appealable to the California Coastal Commission

Major Issues: Development without permits and other serious code violations.

Gerald McGuire Coastal Development Permit

Record Number: PLN-2019-15770

Assessor's Parcel Number: 306-024-004

Recommended Commission Action

1. Describe the application as a public hearing,
2. Request that staff present the project,
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Adopt the resolution to take the following actions:

1. *Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270,*
2. *Find that the Coastal Development Permit is inconsistent with the Zoning Ordinance and will be detrimental to the public, health, safety and welfare, and:*
3. *Deny the Gerald McGuire Coastal Development Permit.*

Executive Summary: The application is for an after the fact Coastal Development Permit to rebuild a demolished single-family residence located on property with a long history of Code violations. The applicant submitted the application in response to a Notice to Abate Nuisance and a Notice of Violation with Civil Penalty, issued July 2, 2019 (attachment 3). The applicant has not resolved the health and safety or Code Enforcement issues that were first cited in 2004 (issued by the County Department of Environmental Health). Additionally, the structure currently standing on the project parcel does not comply with the Residential Suburban (RS) zoning development standards (encroaches into required yard setbacks) and does not meet the required elevation standards in the County Flood Damage Prevention Ordinance (adopted 2016). The applicant requests Planning Commission approval to demolish a residence in the Coastal Zone and construct a new residence. This is to allow after the fact work without approved permits from the County. Unfortunately, the removal of the prior residence removed the non-conforming status of the structure and any new construction must be treated as new and subject to compliance with current codes. The request as submitted does not comply with the Zoning Ordinance or the Humboldt Bay Area Plan and thus cannot be approved.

Background:

The subject site has been in the Code Enforcement process since 2004. The County has and continues to receive many complaints about this property. During this time the violations have not been resolved. Action on this Coastal Development Permit will enable resolution of the pending Code Enforcement case. The following are some of the more significant considerations:

1. 2004 – Present: Code Violations.

The property has a history of serious health, safety, and building code violations dating back to 2004, none of which have been resolved. See Attachment 3 for some of the correspondence which has been prepared in relation to this property and Attachment 4 which includes pictures of the site and building. Some of the more significant violations include:

a) 2004 Exterior Inspection showed:

- i. Building Substandard for human occupancy
- ii. Building lacking property weather protection
- iii. Trash scattered on property including car parts and engine blocks
- iv. Soil staining from engine oil
- v. Electrical hazards
- vi. Substandard sewer lines

- b) 2013 Notice of Nuisance recorded against the property for ongoing construction work being conducted without permits.
- c) 2019 Complaints of solid waste, vector harborages, unpermitted work on structures, hazardous materials, sewage smell, and junk vehicles. An inspection warrant was needed to get into property to inspect for potential violations. The inspection discovered:
 - i. Junk vehicles on the property
 - ii. Property inundated in Solid waste
 - iii. Un-inhabitable structures due to lack electrical and gas service
 - iv. Incorrectly installed wood stove and propane water heater posed immediate safety hazard

In response to a July 2019 Notice to Abate and Notice of Violation that applicant appealed the Notice and filed this application in August of 2019. This application has been in process since that time.

2. 2006-2016: Building Permit Applications and Inspections.

In response to the Substandard Housing Notice and Vacate Order issued in 2004, the property owner/applicant submitted applications for building permits four separate times for the same proposed development.

- a) March 9, 2006: The first application was submitted in response to the various Code Violations. Department records describe the permit being for: *"Interior remodel of existing SFR/new slab foundation/drywall/siding/electrical/plumbing/windows/new garage foundation"*. According to the site plan submitted with this application, the work was for a new foundation on the house which existed at the time built in 1950 with an addition built in the early 1960's. In 2007 a permit to construct (07-1273) was issued. The project was abandoned without completing any building inspections required to keep the permit active. The permit expired. No work was done under this permit.
- b) March 30, 2009: The second application was submitted in response to the outstanding violations cited in 2004. The plans and project description were the same as submitted in 2006. A permit to construct (09-358) was issued on 4/29/2009. A series of inspections were scheduled and rescheduled (because the applicant was not present on-site). The last scheduled inspection on Friday 7/10/2009 did not occur because the owner/applicant was not present. The inspector returned the following Monday (7/13/2009) and found that the applicant had poured the slab foundation without inspection of the forms or footing. Instead of issuing a stop work order for the unpermitted foundation, the Building Inspector attempted to work with the applicant and requested evidence of engineer inspection with photos and receipts of the new slab foundation. None of this information was ever provided by the applicant and the permit expired. The slab foundation was not legally poured because no inspection was conducted. No additional inspections were performed.
- c) August 10, 2010: The Building Inspector went by the project location and found the house demolished. Sometime between 7/24/2009 and 8/10/2010 the applicant had removed all walls and roof. No house remained. (See photo dated 8/18/2010, attachment 3)
- d) August 1, 2014: A third building permit application was submitted but was never made complete and expired on December 30, 2015 before a permit to construct was issued.
- e) December 30, 2015: A fourth application was submitted and never made complete and expired on December 29, 2016 before a permit to construct was issued.

No permitted work has been completed and inspected under any of the permits. The work that has been done is outside of the permit process and thus does not vest any of the construction.

3. Permitting Requirements for the Subject Property

The applicant would like to treat the house that has been reconstructed as a non-conforming structure because it has been constructed in the same location as the prior home. The permits discussed above were for interior modifications and to replace the foundation. These were approved under the Zoning Ordinance provisions of "one for one" replacement without expansion or enlargement of the structure. Under these circumstances no variance is required. In demolishing the house, the applicant lost the non-conforming status of the existing house, so this application is not for work on a non-conforming house, but rather is by definition a new structure. Section 313-132.5.1 of the Zoning Ordinance provides that *"A Variance will be required for the total replacement or expansion of structures where replacement or expansion of structures would not conform with development standards."*

At this point, to approve a building in this location a variance from the setback standards would need to be approved. The applicant has been made aware of this and has been informed that either a variance for the setback reductions must be obtained, or the site must be designed to conform to Zoning Ordinance standards. The applicant has been unwilling to either apply for the variance or to modify the design to comply with Zoning Ordinance Standards. The Notice Order given to the applicant as part of the Code Enforcement Action stated the applicant needed to obtain necessary permits including a Coastal Development Permit.

The Coastal Development Permit is required because both demolition and construction in the Coastal Zone are considered development and require a CDP. There are areas in the Humboldt County Coastal Zone where exemptions are available for single family residences, but since the site is between the first public road paralleling the sea and the bay it is subject to a CDP.

At face value the applicant is requesting approval of what exists on site currently.

Analysis:

Analysis of the application is based on the regulatory guidance given in the Humboldt Bay Area Plan and the Humboldt County Code. In taking action on an application the Planning Commission is required to make findings establishing why an application does or does not comply with the provisions of the code and HBAP.

A. Zoning Ordinance -- Required Yard Setbacks:

As noted above the existing structure does not comply with the required setbacks of the RS district and thus the house cannot be approved without approval of a variance. In order to approve a variance, the Commission would need to find that there are extra-ordinary circumstances applying to the lot and that the granting of the variance would not be a special privilege. The lot is much smaller than other lots in the neighborhood and is substandard for the Zone. It is apparent that this parcel and the adjacent parcel were once a single parcel but had been split before 1966. This resulted in a parcel that appears to be about 3,600 square feet. A small residence could be built on this lot without encroaching into the required yard setbacks. The building envelope would be 1,050 square feet. A house with small attached garage or carport would fit with the character and size of the other homes nearby. Given the small size of the parcel, a variance could be potentially be justified, depending upon design. The existing structure has a 1 foot setback along Central and does not maintain any corner visibility at the intersection of Central and West. These are health and safety issues that need to be addressed. The struggle is the applicant has not been willing to consider such any modification. Without having some idea of what the applicant would do instead of this proposal it is difficult to propose alternatives. At this point the only conclusion that can be made is that the proposed development does not conform to the standards established by the Zoning Ordinance.

B. Flood Damage Prevention Ordinance:

The subject site is within the regulatory floodplain as established by the Flood Insurance Rate Map (FIRM). Residential development in this area is subject to the County Flood Damage Prevention Ordinance §335-5 Provisions for Flood Hazard Reduction. The approximate base flood elevation is not identified on the FIRM map. In order to issue a building permit there would need to be a flood elevation certificate prepared by a licensed engineer and the lowest habitable living space must be elevated one foot above that. This is a design element that should be known as part of the application for a CDP. The existing building cannot be authorized under the flood damage provision requirements. It is not clear that the existing foundation could even be used to allow construction of a house under the flood damage provisions requirements because the foundation was not designed to support an elevated structure subject to flooding, and further it was not inspected to know how much reinforcement is in place or how thick the slab is. As it stands the existing house cannot be permitted under the flood damage provision requirements and it is unknown whether the existing unpermitted slab can be used for an elevated structure. In order to permit a structure on the site, the existing structure will need to be removed.

C. Public Health and Safety:

A required finding of all permits is that the project does not pose a danger to the public health, safety, and welfare. As stated in the discussion on code enforcement actions the existing house has been constructed without benefit of permits and has elements that pose a danger to anybody who lives there and possibly to the neighborhood. In addition, there is the circumstance of the house being in the flood plain and not constructed subject to flood damage prevention requirements. This puts people and property at risk in the event of flooding.

Another element that needs to be considered is that the subject site is in a location that will likely be impacted at some point in the future by sea level rise. Some consideration is needed to address the potential impact and ensure that the structure can last through nuisance impacts (wave run up during King Tide events) until permanent provisions are made.

Part of the purpose of a front yard setback is to provide line of sight of cars circulating on the streets. In order to provide clear line of sight on corner lots it is desirable to have a line of sight across the property extending from a point 30 feet from the intersection on one street to 30 feet from the intersection on the intersecting street. This is referred to as a clear visibility triangle. This is not provided with the current structure placement.

RECOMENDATION: The existing house as constructed has many facts that warrant denial of this application including: not complying with setbacks, constructed without permits, in an area identified as subject to flooding, the building has not been constructed to Building Code, is currently uninhabitable, and the building location does not provide for a visibility triangle at the corner of West and Central. .

CEQA: Environmental review for this project was not conducted. the proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects which are Disapproved) of the CEQA Guidelines

ALTERNATIVES: Ultimately some type of house can be expected to be constructed on this property. When it does happen, it should happen in such a manner that setbacks in keeping with the community are provided, the house is built to the regulations contained in the Flood Damage Prevention Ordinance and the structure complies with the Building Code Standards. An option for the Planning Commission to consider is to approve a Coastal Development Permit with the requirement that all unpermitted structures and all trash be removed from the site within the limited period of time. The applicant can then return with revised drawings showing a development plan in compliance with County Codes which may include a variance in keeping with setbacks on surrounding properties.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-
Record Number PLN-2019-15773
Assessor's Parcel Number: 306-024-004**

Resolution by the Planning Commission of the County of Humboldt to deny the McGuire Coastal Development Permit.

WHEREAS, Gerald (Jerry) McGuire, submitted an application on August 20, 2019 requesting approval of a Coastal Development Permit for the development of a two story 1,700 square foot single family residence on APN 306-024-004; and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on February 4, 2021, and reviewed, considered, and discussed the application for a Coastal Development Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is an after the fact Coastal Development Permit for a new 1,700 square ft. single family residence located on between the coast and the first parallel public road.

EVIDENCE: a) Project File: PLN-2019-15773
- 2. FINDING:** **CEQA.** The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA)

EVIDENCE: a) CEQA Guidelines section 15270 specifically exempts from CEQA projects which are Disapproved.
- 3. FINDING:** The proposed development is not in conformance with the Section 3.17 of the Humboldt Bay Area Plan requiring New Development to minimize risks to life and property in areas of high geologic, flood and fire hazard. Approval of the existing structure would subject people and property to the danger of flooding. In addition, the existing structure does not conform to the Flood Damage Prevention ordinance of the Humboldt County Code.

EVIDENCE: a) The site is located in an area subject to flooding as shown on the Flood Insurance Rate Map, and the depth of the floodwater has not been determined. In order to receive a building permit for a house at this location the lowest floor of the living area would need to be a minimum of one foot above the base flood elevation. The existing structure cannot meet this requirement.

 b) The site is located in an area which is projected to be impacted by sea level rise. Some precautions must be taken to account for first the nuisance impacts of sea level rise associated with tide, wave and wind driven flooding and then to inform future property owners of the concerns with Sea Level rise.
- 4. FINDING:** The proposed development does not comply with the setback requirements of the Residential Single Family Zoning District Development Standards and the applicant has not requested a variance from these standards

EVIDENCE: a) The residence constructed without permit has setbacks of:

Front: 6.5'

Streetside 1'

Rear: 0'

Side 33' (House) 5' (garage)

 b) The setback standards for the RS district are:

Front:	20'
Streetside	20'
Rear:	10'
Side	5' (House) 5' (garage)

5. FINDING: The existing house was constructed without permits and does not qualify as a non-conforming structure and cannot be approved in its current location.

- EVIDENCE:**
- a) There was a house constructed on the parcel in the 1950's in the location of the existing house. This house was added onto in the 1960s.
 - b) The house that was existing on the site was demolished in 2010 without benefit of a demolition permit or authorization to reconstruct.
 - c) Section 132.3 states: "A nonconforming structure which is in existence on the effective date of these zoning regulations, or any amendment thereto which makes such structure nonconforming, may be used and maintained indefinitely, except as otherwise specified in these regulations. No structural alterations to a nonconforming structure shall be allowed, except as expressly required by law or as expressly provided herein; unless the structural alterations conform with the applicable development standards of these zoning regulations." The removal of the prior house extinguished the non-conforming status of the structure.
 - d) In order to construct a house on a property with less than standard setbacks, a variance must first be approved. A variance application has not been submitted for this property.

6. FINDING: The proposed development and conditions under which it may be operated or maintained is detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The existing house has been constructed without benefit of permits and has elements that pose a danger to anybody who lives there and possibly to the neighborhood. The identified dangerous elements include the structure being un-inhabitable due to lack electrical and gas service and Incorrectly installed wood stove and propane water heater. Since the house has not been fully inspected, it is not possible to know all the unsafe elements. It is known that the siding used has come from different reused materials and includes plastic, scraps of wood and other material which is not likely to meet building code requirements.
 - b) The house is in the flood plain and not constructed subject to flood damage prevention requirements. This puts people and property at risk in the event of flooding.
The existing structure does not provide a clear line of sight across the corner of the lot. This makes it difficult for vehicles traveling down a street to seek other vehicles, pedestrians and children on the side street and increasing the potential for accidents.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- a) Find the project Statutorily exempt from CEQA, and;
- b) Deny the Coastal Development Permit for Jerry McGuire,

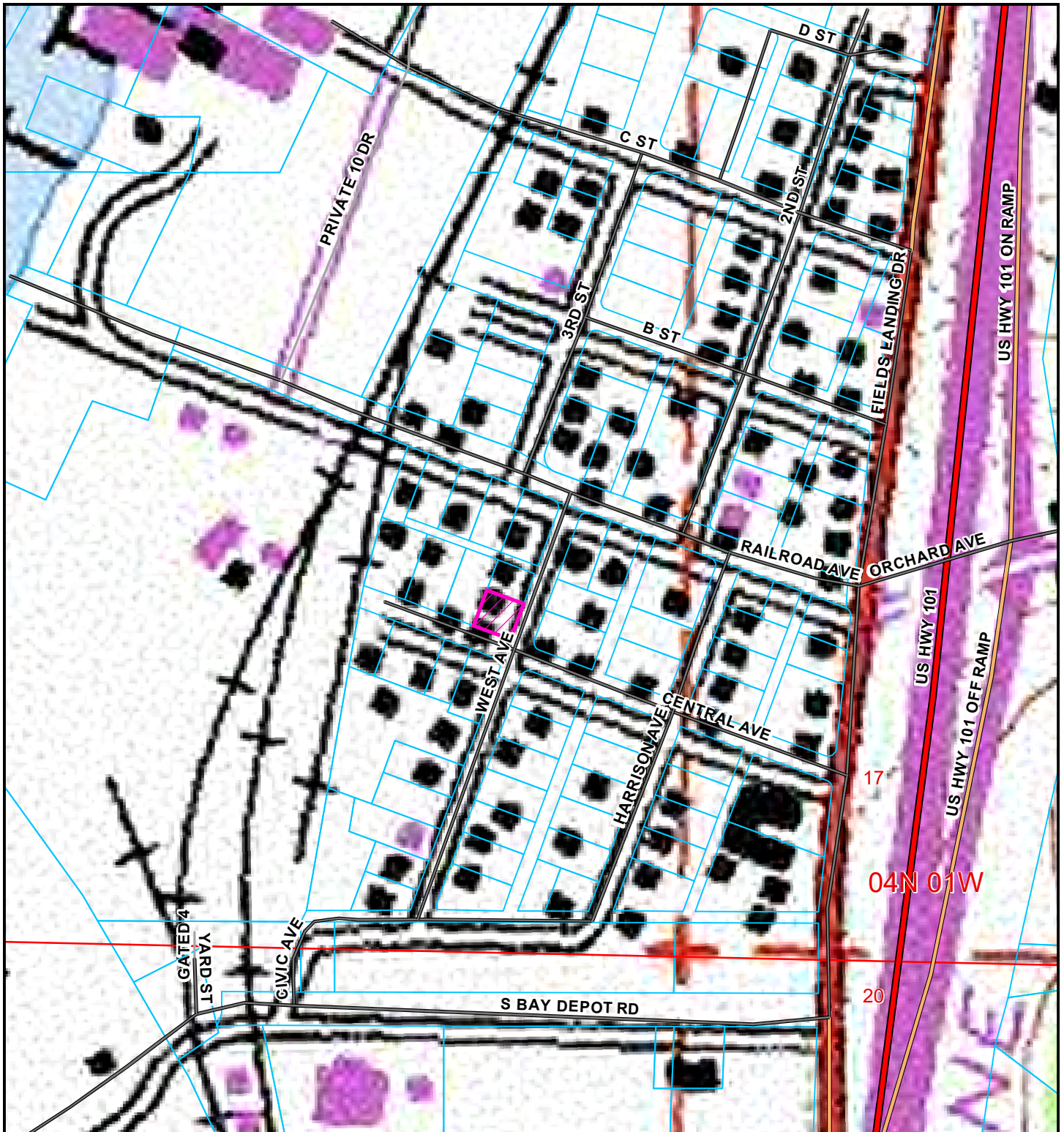
Adopted after review and consideration of all the evidence on February 4, 2020

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department



TOPO MAP

**PROPOSED MCGUIRE
COASTAL DEVELOPMENT PERMIT
FIELDS LANDING AREA**

PLN-2019-15773

APN: 306-024-004

T04N R01W S17 HB&M (Fields Landing)

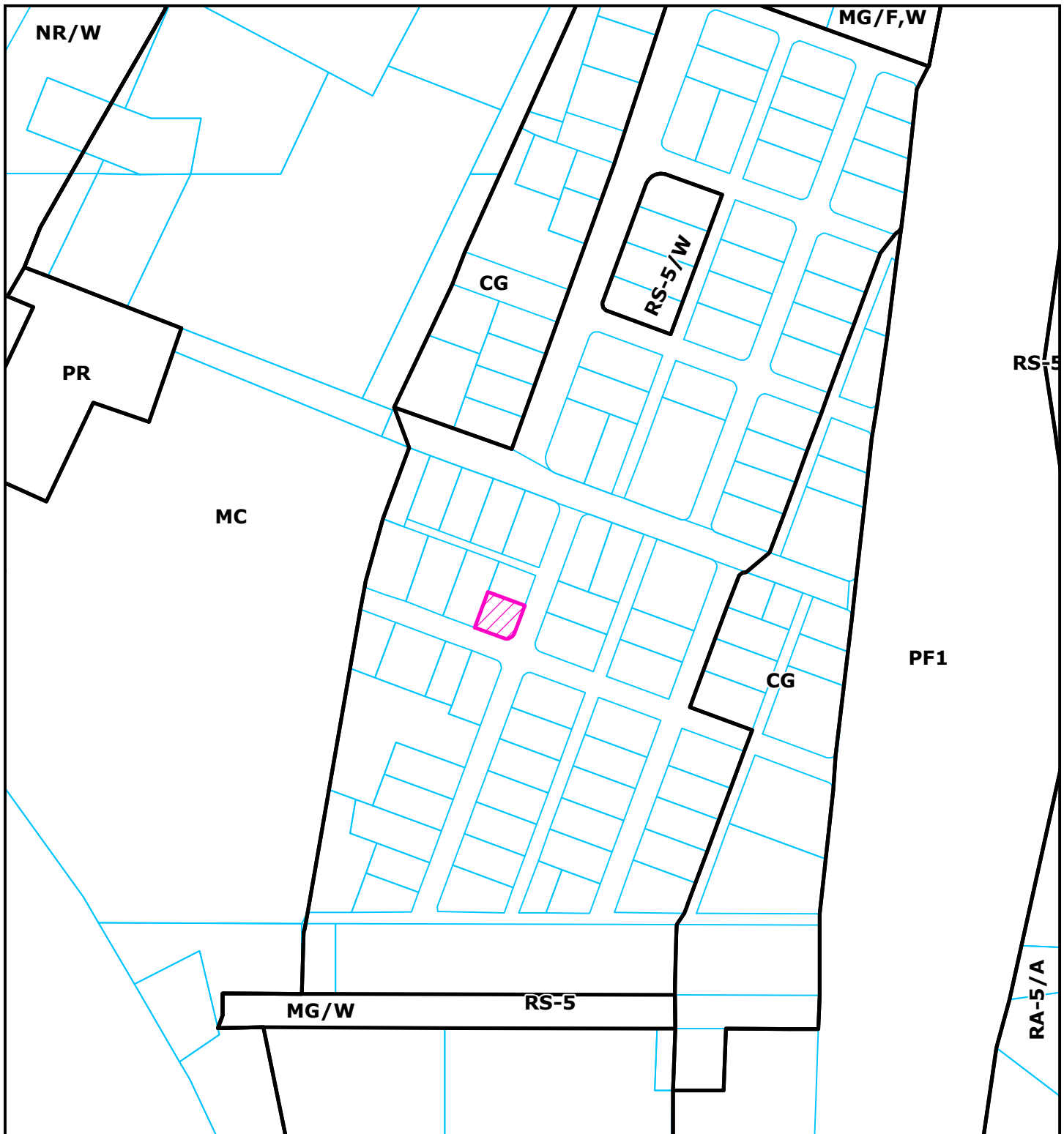
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250
Feet





ZONING MAP

PROPOSED MCGUIRE COASTAL DEVELOPMENT PERMIT FIELDS LANDING AREA

PLN-2019-15773

APN: 306-024-004

T04N R01W S17 HB&M (Fields Landing)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250
Feet





AERIAL MAP

PROPOSED MCGUIRE COASTAL DEVELOPMENT PERMIT FIELDS LANDING AREA

PLN-2019-15773

APN: 306-024-004

T04N R01W S17 HB&M (Fields Landing)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



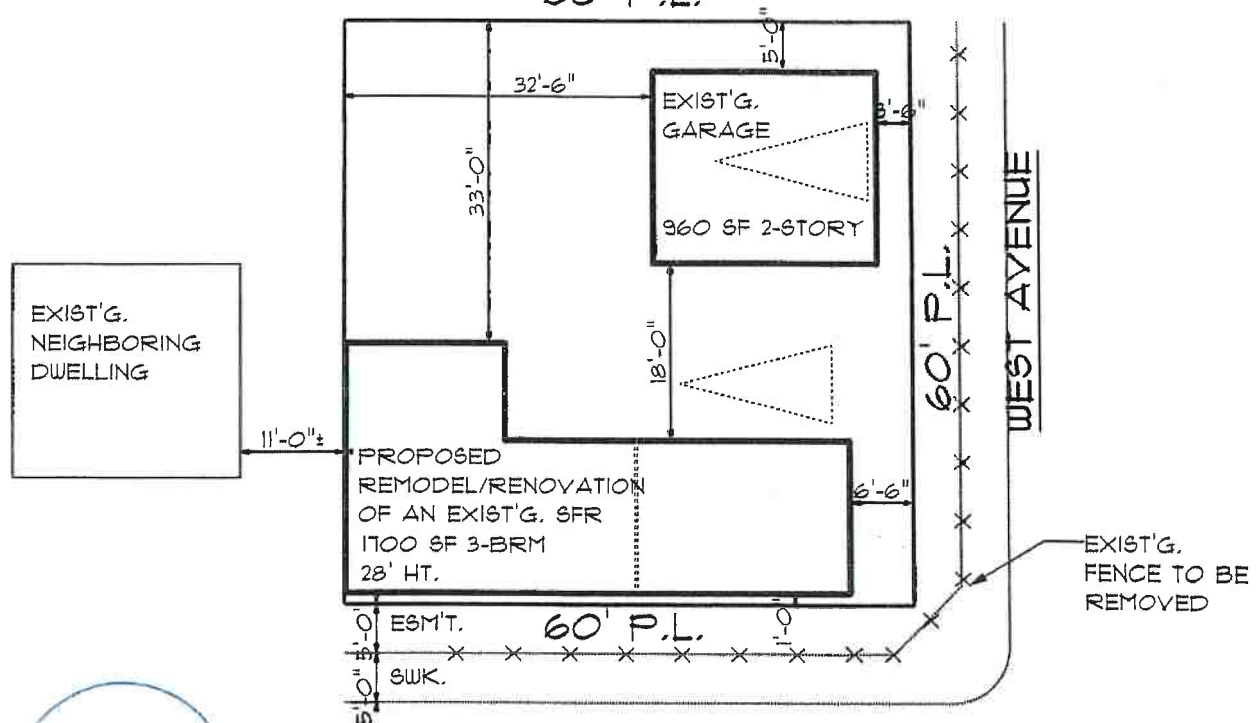
0 50 100
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ATTACHMENT 1

Applicant's Evidence in Support of the Required Findings

NO TREES TO BE REMOVED
 6" ROOF OVERHANG NOT SHOWN
 NO CREEKS
 COMMUNITY WATER & SEWER
 NO SEPTIC OR PROPANE TANKS
 NO KNOWN SURVEY MONUMENTS
 LOT IS FLAT

60' P.L.



RECEIVED
 OCT 16 2020
 Humboldt County
 Planning Division

CENTRAL AVENUE



PLOT PLAN

SCALE: 1" = 20'-0"
 10-16-2020

GERALD MCGUIRE
 1545 PENINSULA
 ARCATA, CA 95521
 (707) 444-2135

PROJECT:
 APN 306-024-004
 6766 WEST AVENUE
 FIELDS LANDING, CA

REVISED
 10-16-20

ATTACHMENT 2
Referral Agency Comments and Recommendations

ATTACHMENT 2

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Public Works, Land Use Division	✓	Conditional Approval	Attached
Building Department	✓	Conditional Approval	Attached
California Coastal Commission		No Response	
Northwest Information Center	✓	Further Study or Consultation w/ Tribes	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
Wiyot Tribe	✓	Conditional Approval	On file and confidential
Blue Lake Rancheria	✓	Conditional Approval	On file and confidential



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

10/31/2019

10/31/2019

Project Referred To The Following Agencies:

County Counsel, PW Land Use, Building Inspections, CSD, Cal Coastal Commission, Bear River Band, Blue Lake Rancheria, NWIC, Wiyot Tribe



Applicant Name Gerald McGuire **Key Parcel Number** 306-024-004-000

Application (APPS#) PLN-2019-15773 **Assigned Planner** Tricia Shortridge 707-268-3704

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than: 11/15/2019

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- ☐ Recommend Approval. The department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions attached.
- ☒ Applicant needs to submit additional information. List of items attached. (Building Division Comments)
- ☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments: The proposed project of demolition of a residential structure and to rebuild the residence in the same footprint. Also proposed is an attached second unit. This project is located in the 100 year flood zone (AE) per firm map number 06023C1005G. The proposed would be a substantial improvement and would need to have the structures elevated minimum 1 foot above the base flood elevation. HCC 335-5(3)(A). Applicant to provide elevation certificate by Engineer confirming that the proposed is minimum 1 foot above the base flood elevation. (see attached EC)

DATE: 12/22/2020 **PRINT NAME:** Keith Ingersoll

Shortridge, Tricia

From: Bronkall, Bob
Sent: Wednesday, December 09, 2020 6:16 PM
To: Shortridge, Tricia
Cc: Public Works Permits
Subject: McGuire APN 306-024-004 PLN 2019-15773

Tricia-

The Department recommends the following conditions of approval for the project:

1. Applicant shall remove all fences, gates, debris, and all other objects from the public right of way pursuant to Streets and Highways Code Sections [1480.5](#) and [1481](#).
2. Applicant shall remove all fences, gates, vegetation, objects, etc to comply to the maximum extent feasible with the County's Visibility Ordinance (County Code Section [341-1](#) et seq). Note that both structures as they exist as of this date may remain; however those structures shall not be expanded in any manner which further encroaches within the visibility triangle.

The visibility triangle and this restriction shall be shown on a scaled and accurately drawn development plan approved by the Department of Public Works and filed with the Planning & Building Department.

3. Applicant shall construct the following improvements under an Encroachment Permit issued by the Department for the following work:
 - All existing driveway aprons to remain shall be retrofitted and/or replaced to comply with ADA. Urban Driveway No. 1 shall be used unless conditions warrant otherwise.
 - All existing driveway aprons that will not be used shall be sawcut, removed, and replaced with curb, gutter and sidewalk.
 - All damaged sidewalk shall be repaired and/or replaced in accordance with Resolution 97-31.

--Bob



Robert W. Bronkall, PE, LS
Deputy Director
[Public Works Department – Land Use Division](#)
707.445.7205 Afternoons
[Public Works Department – Road & Equipment Maintenance Division](#)
707.445.7421 Mornings

60' P.L.



← DEAD
END
± 200'

SCALE: 1" = 20'-0"
10-16-2020

NO INTERSECTION CONTROLS - UNCONTROLLED INTERSECTION

PROJECT:
APN 306-024-004
6766 WEST AVENUE
FIELDS LANDING, CA

10 - PLN-2019-15773 Jerry McGuire

Attachment 3
2004-Present Department Records on Code Violations

COUNTY OF HUMBOLDT
BUILDING INSPECTION DIVISION
3015 H STREET EUREKA, CA 95501

FIELD REPORT

Date: 4/9/04
Owner: McGuire, Gerald & Andrea
Project Location: 6766 West Ave., Fields Landing
Parcel Number: 306-024-04
Application No.: None

RE: Health and Safety Inspection; Comments from Exterior Observations Only

Please Note: This is not an all-inclusive list and additional corrective measures maybe required as the result of plan review or inspections.

- 1) Building does not provide proper weather protection
- 2) Trash every place; includes car parts and engine blocks.
- 3) Ground/soil has been contaminated with engine oil.
- 4) Electrical Hazards:
 - a. No dead front on service panel.
 - b. Conductors double lugged to circuit breakers.
 - c. Conductors over fused in service panel.
 - d. Conductors in service panel have damaged insulation.
 - e. Service periscope not attached to the building.
 - f. Hazardous installation of electrical supply to shop/garage.
- 5) Substandard installation of waste drainage piping.



Todd Sobolik

(Inspector)

Sobolik, Todd

From: Sobolik, Todd
Sent: Monday, May 10, 2004 12:59 PM
To: Metcalfe, Kevin
Subject: RE: McGuire Propety, 6766 West Avenue, Fields Landing

Kevin,

See my comments in "RED" below.

Todd

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

From: Metcalfe, Kevin
Sent: Monday, May 03, 2004 3:19 PM
To: Sobolik, Todd
Cc: Riendeau, Gloria
Subject: McGuire Propety, 6766 West Avenue, Fields Landing

Hi Todd, I've reviewed the Building Division field report from your inspection with Harriett Hill at the subject address. It appears that there is hazardous electrical wiring that may be a significant danger for human occupancy. I believe that DEH should request that the utility company remove the electric meter due to the severity of the electrical hazards. Do you agree? **YES I DO.** This will make Mr. McGuire most unhappy, but he has options to deal with this.

We posted the house friday (4/30/04) as a substandard dwelling unfit for human occupancy. The person onsite contacted the owner Jerry McGuire who then came into our office immediately. We now have his attention. He said the Building Division had no problem with the structure. He wants to continue to work on the inside. We told him that he will need to arrange for a building pre-site for any needed permits for renovations and repairs. We will be sending out a second Notice of Violation early this week, including the field report findings. He has not responded to our first notice and refuses delievery of certified mail. He also has received a notice from Claude Young on 240 Central Avenue, Fields Landing, dated 4/9/04.

When a meter is removed, this causes the owner to obtain building permits for the electrical hazards and comply with the permit prior to restoration of service. Is this correct? **THIS IS CORRECT.** Or what happens? Can the owner get a temporary service for electricity for power equipment to make repairs? **NO; THEY CAN BORROW POWER FROM A NEIGHBOR OR USE A GENERATOR.**

We also wanted to confirm that when we send a Notice of Violation and copy the Building Division, that this will place a health hold on any further approvals until the owner has agreed (we have the agreement form) to abate the conditions in our notice as part of the permit work: is this still in place? **YES**

Thank you for your input and assistance.

Kevin Metcalfe, REHS
Supervising Environmental Health Specialist
Environmental Health Division
Department of Health and Human Services
100 H Street, Suite 100
(707) 268-2210 voice
(707) 441-5699 fax
kevin.metcalfe@co.humboldt.ca.us

Days turn to minutes and minutes to memories, life sweeps away the dreams that we have planned. You are young and you are the future so suck it up and tough it out and be the best you can! John Mellencamp



Humboldt County Department of Health and Human Services
DIVISION OF ENVIRONMENTAL HEALTH

100 H Street - Suite 100 - Eureka, CA 95501
Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241
envhealth@co.humboldt.ca.us

June 21, 2004

Gerald and Andrea McGuire
1545 Peninsula Drive
Arcata, California 95521

RE: 6766 West Avenue, Fields Landing, California AP# 306-024-004

Dear Mr. and Mrs. McGuire:

An inspection on May 25, 2004 of this residence revealed the following conditions:

- The backyard gate had an unlocked chain wrapped around it such that there was enough space for a large child to squeeze through. The backyard still contained a large quantity of junk, tires, engine parts, etc., and an open "cellar" area.
- The garage door was chained shut but also unlocked.

**These areas must be secured immediately so as to be
inaccessible to children under the age of 12.**

Please contact me at (707) 268-2228 between the hours of 8:30 and 9:30 am, if you have any questions. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Harriet Hill".

Harriet Hill
Environmental Health Specialist

A large, bold, outlined stamp that reads "RECEIVED".

JUN 24 2004

HUMBOLDT COUNTY
BUILDING DEPT.

C: Todd Sobolik, Humboldt County Building Division
Claude Young, Humboldt County Planning Division
Lt. Steve Cobine, Humboldt County Sheriff Department

AP# 306-024-04 APPLIC. # 29449 6766 WEST AVE MCGUIRE, JERRY # 9-358 8/18/10



SCANNED 8/19/10 MM



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

3015 H Street • Eureka CA 95501
Phone: (707) 476-2429 • Fax: (707) 268-3792

July 2, 2019

Gerald McGuire
P.O. Box 322
Fields Landing, CA 95537

**Re: Service of Notice to Abate Nuisance and
Notice of Violation and Proposed Administrative Civil Penalty
Property location: 6766 West Ave, Fields Landing, CA, 95537, APN: 306-024-004**

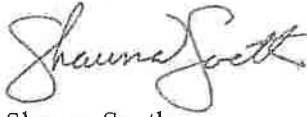
Dear Mr. McGuire:

The Code Enforcement Unit recently inspected your above described property and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty. The Notice of Violation and Proposed Administrative Civil Penalty informs you that we have issued an administrative penalty in the amount of \$3,000 per day for a period of ninety (90) days. The penalty will begin to accumulate ten days after the Notice is served. You have the following options:

1. Correct the violations within ten (10) days of the service of the Notice. Once you contact us with this information and we are able to confirm it, the penalty will be dismissed as if it was never issued.
2. Request a hearing before a hearing officer to contest the determination that a violation exists and/or the reasonableness of the amount of the penalty. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.
3. Enter into a Compliance Agreement with the County that would suspend the penalty for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then some and possibly the entire penalty could be dismissed.
4. You can do nothing. At the end of the ninety (90) day period, the penalty will become final and the County will take steps to have the total amount of the penalty (\$270,000) recorded as a lien against your property.

If you have any questions or concerns, please feel free to contact me by phone at (707) 441-2627 or by email at ssoeth@co.humboldt.ca.us.

Sincerely,

A handwritten signature in cursive script that reads "Shauna Soeth".

Shauna Soeth
Code Enforcement Investigator

Attachments: Notice to Abate Nuisance
Notice of Violation and Proposed Administrative Civil Penalty



COUNTY OF HUMBOLDT
CODE ENFORCEMENT
UNIT
3015 H Street
Eureka, California 95501
(707) 476-2429

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

[Humboldt County Code §352-7]

Address of Affected Property:

6766 West Avenue, Fields Landing, CA 95537

Assessor's Parcel Number:

306-024-004

Owner:

Gerald McGuire
Post Office Box 322
Fields Landing, CA 95537

NOTICE IS HEREBY GIVEN that conditions described in "Attachment A – Conditions Constituting a Violation" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "violation" pursuant to Humboldt County Code Section 352-3(t).

YOU HEREBY ORDERED to CORRECT or OTHERWISE REMEDY said violation within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

NOTICE IS FURTHER GIVEN that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Violation" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty, a daily administrative penalty of **three thousand dollars (\$3,000)** will be imposed for a period of up to ninety (90) calendar days pursuant to Humboldt County Code Section 352-5.

NOTICE IS FURTHER GIVEN that each calendar day the violation occurs, continues or exists between the date on which the civil administrative penalty is imposed and the date on which the violation is corrected or otherwise remedied shall constitute a separate violation up to the ninetieth (90th) calendar day.

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

NOTICE IS FURTHER GIVEN that an appeal of the Code Enforcement Unit's determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty must be prepared using the form attached hereto as "Attachment C – Administrative Civil Penalty Appeal Hearing Request Form" and

signed under penalty of perjury.

NOTICE IS FURTHER GIVEN that, upon receipt of an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Administrative Civil Penalty Appeal Hearing as set forth in Humboldt County Code Section 352-9.

NOTICE IS FURTHER GIVEN that the date of the Administrative Civil Penalty Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Appeal Hearing is served.

NOTICE IS FURTHER GIVEN that the imposition of the administrative civil penalty shall become final and the Code Enforcement Unit shall acquire jurisdiction to collect the full amount thereof, along with any and all administrative costs and/or attorney's fees associated therewith, as follows:

Within ten (10) calendar days after the service of the Notice of Violation and Proposed Administrative Civil Penalty, if an appeal of the Code Enforcement Unit's determination that a violation has occurred, and/or an appeal of the amount of the administrative civil penalty, is not filed; or

Within twenty (20) calendar days after the service of the Finding of Violation and Order Imposing Administrative Civil Penalty, if a request for judicial review of the Hearing Officer's imposition of the final administrative civil penalty is not filed with the Humboldt County Superior Court as set forth in California Government Code Section 53069.4(b)(1)-(2); or

Within ten (10) calendar days after the service of the Humboldt County Superior Court's decision regarding the hearing officer's imposition of the final administrative civil penalty, if the Court finds in favor of the Code Enforcement Unit.

NOTICE IS FURTHER GIVEN that the final administrative civil penalty, along with any and all administrative costs and/or attorney fees associated therewith, may become a lien against the property on which the violation occurred or exists that has the same force, effect and priority of a judgement lien governed by the California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in the California Code of Civil Procedure Sections 683.110 et seq.

NOTICE IS FURTHER GIVEN that an additional Notice of Violation and Proposed Administrative Civil Penalty can be served upon you, if the violation occurs, continues or exists after ninety (90) days from which the initial civil administrative penalty is imposed.

For the Humboldt County Code Enforcement Unit

Signature: Shauna Soeth

Name: Shauna Soeth

Title: Investigator

Date: July 2, 2019

ATTACHMENT A

CONDITIONS CONSTITUTING A NUISANCE

County Code	Description	Corrective Action	Category	Amount
351-3(c)	Building Conditions Endanger Life, Health, Safety, or Welfare of the Public	<ul style="list-style-type: none"> Remove wood stove from southern structure and from garage Remove on demand hot water heater from bathroom in southern structure and garage Apply for and obtain permit, including Coastal Development permit, for elevated balcony built on garage, upstairs garage bathroom, and upstairs garage living space. If permit is unattainable, apply for and obtain demolition permit and Coastal Development Permit to remove the balcony on garage and upstairs bathroom, including plumbing, and cease use of upstairs in garage as a living space. Remove unsafe overhang on master bedroom <p>(see Attachment D for Building Inspector's Memorandum)</p>	1	\$750
331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes	<ul style="list-style-type: none"> Apply for and obtain permits for the southern structure, including Coastal Development Permit. Complete work required by permits and have permits finalized by a Building Inspector. If permits are unattainable, apply for and obtain a demolition permit and Coastal Development Permit, complete required work for demolition permit, and have permit finalized by a Building Inspector. Remove "hoop house" structure from the backyard. 	1	\$750
521-4	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste properly	1	\$750
354-1	Junk and/or Inoperable Vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store Inoperable vehicles within a legal enclosed structure	1	\$750

ATTACHMENT B LEGAL DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

The South 60 feet of Lot 5 measured along the East and West lines thereof, in Block 3 of the Second Addition to the Town of Fields Landing, according to the Map thereof on file in the Office of the County Recorder of Humboldt County, in Book 7 of Maps, Page 11.

ATTACHMENT C
ADMINISTRATIVE CIVIL PENALTY APPEAL HEARING
REQUEST FORM

Address of Affected Property:

6766 West Avenue, Fields Landing, CA 95537

Assessor's Parcel Number:

306-024-004

To: Humboldt County Code Enforcement Unit

3015 H Street

Eureka, California 95501

Pursuant to Humboldt County Code Section 352-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a violation has occurred or exists on the above-referenced property and/or the amount of the proposed administrative civil penalty.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]:

[Brief statement of the material facts that the requesting party claims support the contention that a violation has not occurred, and/or does not exist, on the affected property, if applicable]:

[Brief statement of the material facts that the requesting party claims support the contention that the amount of the proposed administrative civil penalty is inappropriate under the circumstances, if applicable]:

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property and/or the amount of the proposed administrative penalty]:

Name: _____

Address: _____

City, State: _____

Telephone Number: _____

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: _____

Name: _____

Date: _____

Investigative Report
By: Code Enforcement Investigator Shauna Soeth

Property: 6766 West Avenue, Fields Landing, CA, 95537
APN: 306-024-004
Owner: Gerald McGuire, P.O. Box 322, Fields Landing, CA, 95537

On about March 18, 2019, I received information via department email regarding a complainant calling in to make a complaint about a property located at 6766 West Avenue, Fields Landing, California, 95537, Assessor Parcel Number 306-024-004. The complaint included information regarding potential Humboldt County Code Violations dealing with solid waste, vector harborages, and unpermitted work to structures. This complainant's spouse also contacted by telephone the same day and expressed additional complaints relating to violations dealing with hazardous material being stored on the property, sewage smell coming from the property, and junk vehicles. These complainants stated that the property owner used to live on the property, but they were not certain if he still was.

After speaking with the complainants, I found that Code Enforcement already had an open case on this property, Code Enforcement Case No: 13CEU-31, for a referral they received from the Planning and Building Department. This property seemed to have an extensive history with Code Enforcement involvement, and I did a review of the case and research on the property.

The property is in the Appeal jurisdiction in the Coastal Zone and is zoned Residential Single Family (RS-5). The Humboldt County Assessor's Office advised that the original residential structure and the existing two story garage was built in 1950 prior to building permits being required.

There are four building permits on file for the property since building permits became required in 1962. The two relevant permits are permit number 07-1273AIE4 for an interior remodel to an existing single family residence, including a new slab foundation, drywall, siding, electrical, plumbing, windows, and new garage foundation. This permit was issued on or about September 28, 2007 and expired on or about September 28, 2008, and the permit noted that it expired prior to the work being completed and before any final inspection was conducted to confirm the work. The second relevant permit is permit number 09-358-AIE-4, again for an interior remodel to an existing single family residence, including new slab foundation, drywall, siding, electrical, plumbing, windows, and new garage foundation, presumably to complete the work that was not completed on permit 07-1273AIE4. This permit was issued on or about April 29, 2009 and expired on July 9, 2010 prior to the work being completed and before a final inspection was conducted to confirm the work. These permits were acquired to clear a Substandard Housing Notice and Order issued in 2004, which included a vacate order, from the Humboldt County Department of Health and Human Services Division of Environmental Health.

These two permits essentially ended up being a demolition of all but one wall of the original residential structure. When the last permit expired, a photograph was taken by Building Inspector Marc Phippen on August 18, 2010, to show the abandonment of the project. This

photograph shows that the structure had been demolished (except for one wall which is located on the west side of the property) and the front of the structure had started to be rebuilt. In the photograph it appears the framing of the front portion of the structure had begun, but had not been completed. There also appears to be corrugated metal material around a portion of the framing.

A Notice of Nuisance was recorded against the property on April 26, 2013, for HCC 331-28 with the corrective action of applying for and obtaining permits. The property owner was Gerald McGuire, and it appeared he was still the property owner currently. After the permits expired the file indicates that work was still being conducted on the structure. The case file also mentions that the property owner had been living in the garage and that a deck had been built on the second story of the garage without permits. The file says that the property owner denies that it's a deck, but claims it's a wind deflector. It was also noted that a large number of items were being stored on the property due to the property owner's other property at a different location being foreclosed on, and he moved his belongings from the large foreclosed lot to this property.

On or about April 2, 2019, I visited the property to get updated photographs from the sidewalk and roadway around the property. There was a fence made up of various types of material around the property. The front gate/entrance to the property was closed. I observed two structures on the property that protruded higher than the fence. The northern structure appeared to be two story and had what appeared to be a deck made of pallet wood around the second story. There was a travel trailer stored on the property and at least one other vehicle stored on it at that time. Due to the number of miscellaneous items on the property and the tall fence, I could not confirm how many vehicles were on the property or if they were junk vehicles. I could not ascertain if either structure was currently being used for habitation. There did not appear to be anyone on the property during this visit and I was not able to make contact with the property owner in order to request consent for an inspection.

I attempted to locate any telephone numbers associated with the property owner in an effort to reach him to request consent for an inspection, but I did not locate any good telephone numbers. I completed a letter to be mailed to the property owner with my request for a consent inspection and it was mailed out on April 12, 2019. By May 1, 2019, I had not received a response from the property owner regarding my letter and I still had not been able to reach him to request consent for an inspection.

On May 1, 2019, I applied for and obtained an Inspection Warrant, signed by Judge Gregory Elvine-Kreis, Inspection Warrant No: SW1900251. I coordinated with a Building Inspector and a member from the Humboldt County Department of Environmental Health's Hazmat Division, to respond with me to conduct an inspection. The inspection was scheduled for May 7, 2019 at about 2:00 p.m. I completed an Intent to Serve Inspection Warrant Letter to post with a copy of the Inspection Warrant at least 24 hours prior to the inspection date and time. On May 6, 2019 at about 10:30 a.m. I posted the letter which stated the date and time the inspection would take place and a copy of the Inspection Warrant at the front entrance gate to the property.

On May 6, 2019, in the afternoon, the property owner came into the office in response to the posting of the Letter of Intent to Serve Inspection Warrant and Inspection Warrant. Gerald

stated he wanted to cooperate and come into compliance with his property. He maintained that the work he did on the property was only ever in correlation with the building permits. Gerald stated that he would be getting some amount of funds in the near future and wished to re-open a building permit and continue his project. He expressed his frustration with having to pay in full the permit fees again and was hoping some, if not all, of the previous permit fees could be applied to a new one, or if he could re-open one of his past permits. I told him this was not for me to decide. He said that he would be present and cooperative for the inspection.

On May 7, 2019, at about 2:00 p.m., Senior Building Inspector Gustin Dumler, Hazardous Material Specialist Matthew Swoveland, and myself responded to the property for the inspection. Gerald was at the property and allowed us on the property and inside the structures. Due to the size of the property and the number of items being stored on it, it was difficult to take pictures as it was such a confined space.

The front entrance, between the southern and northern structures, had two vehicles and a travel trailer stored there. One of the vehicles was a black and blue Chevrolet pickup truck with California license plate number 91909B1. This vehicle appeared to be in a decent condition, but Gerald stated that he did not currently have the key to prove that it was operable. The travel trailer was a cream colored, older model, Nomad. Due to the number of items around the trailer, I was unable to tell if the tires were full, or if it had an intact tow hitch on the front. The body appeared to be older and had a tarp or piece of plastic tied to the top, however, it was in good enough shape to have a high probability of still being operable. The second vehicle was a blue Subaru station wagon with Oregon license plate number 500EWG. I recall this vehicle being on the property when I accompanied former Code Enforcement Investigator Jeff Conner during his inspection of the property on December 20, 2017. I recall the vehicle being in the same location on the property during that inspection, but it appeared to have only been slightly shifted since. This vehicle appeared to be in poor condition and had at least one flat tire. There were numerous items stored on the top of it and on the hood. It did not look like it had been moved or operable in quite some time. Later, a registration check of the vehicle through the Humboldt County Sheriff's Office provided that the vehicle was a 1990 Subaru Legacy and had expired registration since August 26, 2016. Gerald stated that vehicle belonged to his son and that it did not currently run. He said that he would have his son remove the vehicle as soon as he was able. Given the information from the property owner that the vehicle didn't run, that the vehicle hadn't been currently registered for almost three years, hadn't appeared to be moved or driven since December of 2017, and the vehicle having a flat tire, it appeared the vehicle had been inoperative for a period of over 30 days and a junk vehicle. Since the vehicle was not contained within an enclosed structure, it was in violation of Humboldt County Code. Humboldt County Code 354-2 defines a junk vehicle as "substantially wrecked, dismantled, or inoperative and its salvage value and cost of repair together exceed its market value if repaired or inoperative for a period of thirty (30) consecutive days or more." Humboldt County Code 354-1 states "the presence of a junk vehicle on private or public property not including highway, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance".

During the inspection the property was inundated with solid waste including: miscellaneous used wood products with nails protruding out, sheets of plastic material, totes, tubs, buckets, bricks, tires, sinks, bicycle parts, rugs, miscellaneous scrap metal, household

chairs, and miscellaneous wiring. A lot of these items appeared to be demolition and/or construction waste. Humboldt County Code 521-3(j) defines "Solid Waste" as "all putrescible and nonputrescible solid, semisolid, and liquid wastes; including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances". Humboldt County Code 521-4(b)(1) states "to provide and keep at all times one (1) or more suitable watertight receptacles with tight fitting covers, in which all solid waste from such premises shall be placed and kept until removed." Since the solid waste is not contained properly it is in violation of Humboldt County Code and constitutes a public nuisance per Humboldt County Code 351-3(f), "any use of building or property that is contrary to the provisions of the ordinances of the County of Humboldt."

The southern structure appeared to be of a studio type setup, with one bathroom. The living area contained a bed, wood stove, dresser, desk, and shelving. The bed had bedding on it, personal belongings strewn around which made it appear like the structure was being lived in. Gerald stated that he does not live there, but only spends the night on occasion, as he is currently taking care of his parents at their property elsewhere. The bathroom had a toilet, sink, and bathtub/shower. There was a propane tank that fueled a tankless hot water heater with the tankless water heater being located in the bathroom. The Building Inspector Gustin Dumler noted that the wood stove and hot water heater were immediate safety issues and would need to be removed. Gerald said that he currently had running water to the property, was hooked up to a community service sewer system, which was later confirmed through Humboldt Community Services District, but did not currently have electrical or gas to the property. The exterior of the structure was made up of various material. The roof was corrugated metal and there was what appeared to be a plastic material covering various parts of the exterior. The structure appeared to be on a cement slab foundation and back behind this structure, there were some footings prepared. Once we were on the exterior behind the studio structure, Gerald pointed to the west property line at what appeared to be a segment of wall. Gerald said that was the previously existing wall that was kept up in order to keep the project a "remodel".

The northern structure appeared to be a pre-existing garage. This structure was two stories and had the pallet wood deck around a portion of the second story. There was a vehicle stored inside on the first floor, along with various other items. There was a first floor bathroom with a toilet and sink. Stairs were used to access the second floor, which also had an additional bathroom with a toilet and bathtub. The second floor also had a wood stove. The second floor had a door that lead to the exterior of the structure to the pallet deck. I could not determine if this space was currently being used for habitation, but appeared it might have been at one point.

To the west of the garage was a large "hoop house" structure that was built out of what appeared to be metal and plastic pipe. The pipes were covered by a white plastic type material. The ground inside the "hoop house" was almost completely covered with side by side pallets. There were very minimal plants in the hoops house. Instead, there was a bed with plastic on it and what appeared to be a sleeping bag or blanket, a desk with chairs, and a wood stove. The "hoop house" was built from the western edge of the garage to the western property line. The "hoop house" was open on its eastern side, allowing access to the first floor garage bathroom

while inside the "hoop house". The "hoop house" far exceeded the 120 square feet allowed without a building permit.

Prior to leaving the property, Gustin explained to Gerald the hazardous wood stove and hot water heater inside the studio type structure. It was also explained to him that the studio structure was not built to code, was built without permits, and not suitable for habitation. Gerald said that he would remove the wood stove and hot water heater immediately and maintained that he rarely stayed in the structure. He also was adamant about wanting to come into compliance with the permits and finish his project. Gerald was advised that we would bring our documentation back to the Planning and Building Department to see what could be done regarding the permit fees or re-open a previously expired permit, but that it wasn't Gustin's or I's decision to make. Chad Pasquini, the Chief Building Official, later determined that an old permit could not be opened and fees for previous permits could not be re-applied.

I had a quick discussion with Hazardous Material Specialist Matthew Swoveland prior to leaving the property. He did not find anything of concern in regard to the allegation of hazardous material being stored on the property and did not locate anything in regard to a rat infestation.

Once back to the office I confirmed that there were no permits on file for the "hoop house" structure built on the property and would not be able to be permitted due to not meeting the yard setbacks. I confirmed that there were no permits on file for the second story garage deck or to convert the garage into a living space. Gustin noted that the first floor half bathroom in the garage appeared to be original with the legal non-conforming garage, but the second floor bathroom was installed later, without the proper permits, and the bathtub installation was dangerous.

I compared photographs from this inspection with the picture taken by Marc Phippen after the issued permits had expired in July of 2010. There has definitely been additional work done to both structures since the permits expired, including: walls, roof, roof eaves, wood stove pipe, bathroom, plumbing, all interior work, upstairs door on garage, and pallet deck to garage. All of this work was done without valid permits which is in violation of Humboldt County Code 331-28. Humboldt County Code 331-28 states "Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared unlawful and a public nuisance. Any failure, refusal, or neglect to obtain a permit as required by this chapter shall be prima facie evidence of the fact that a public nuisance has been committed". Humboldt County Code 331-11 states "Each of the following compilations, except as modified hereinafter, are hereby designated and adopted by reference as a part of this chapter with the same force and effect as if they were set out in full herein" and continues to Humboldt County Code 331-11(a) "California Building Code and Building Code Standards". Humboldt County Code 331-11(a)(4) states "Section 106.2 Work Exempt from Permit of the California Building Code relating to administrative is amended to read as follows: Section 106.2 Permits Required – Exceptions. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the county or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Building Official except the following:" The list of exceptions

that follow do not apply to this construction. There were no valid permits for the construction done after the photograph taken by Marc Phippen on August 18, 2010 or for the "hoop house" which is in violation of Humboldt County Code and a public nuisance.

Senior Building Inspector Gustin Dumler completed a memorandum of building conditions that were endangering life, health, safety or welfare of the public in response to his findings during the inspection. *See attached memorandum from Gustin Dumler.*

Humboldt County Code 351-3(c) defines a nuisance as "any condition, act or failure to act which is dangerous to human life or unsafe or detrimental to the public health or safety." Since the building conditions were endangering life, health, safety or welfare of the public, they are in violation of Humboldt County Code and a public nuisance.

The following are Humboldt County Code Violations occurring on the property as of the May 7, 2019 inspection and were conditions constituting a Public Nuisance:

- 331-28 – Construction of building/structure in violation of building, plumbing, and/or electrical codes.
- 521-4 – Improper storage and removal of solid waste
- 354-1 – Junk or inoperable vehicles
- 351-3(c) – Building conditions endanger life, health, safety or welfare of the public

On July 2, 2019, I prepared a Notice to Abate Nuisance and a Notice of Violation and Proposed Administrative Civil Penalty for the conditions existing on the property causing a nuisance and the violations that are occurring. On July 3, 2019, I posted the Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty at the entrance to the property. The Notice to Abate Nuisance and the Notice of Violation and Proposed Administrative Civil Penalty were also mailed to the address listed with the tax collector first class and certified on July 8, 2019. Proofs of Service were filled out for both services.

On July 18, 2019, Gerald submitted an Administrative Civil Penalty Appeal Hearing Request Form and a Code Enforcement Appeal Hearing Request Form. There was no specific information on the forms that listed what he was contending. The sections just stated "disagree".

On or about July 25, 2019, I received another telephone call from the complainant who told me that it appeared that Gerald was still actively building onto the southern structure. On July 26, 2019, I responded to the property and took pictures of the additional construction done to the structure from the sidewalk and street outside of the property. This new construction looked like it connected or was going to be connected to the west side of the southern structure and was built back to and up against what was pointed out to me as the "existing wall" during the May 7, 2019 inspection. The structure continues down the west fence line past the width of the southern studio type structure. There were still no permits applied for or obtained for the construction as of that date. An Order to Stop Work signed by Keith Ingersoll with the Building Department was posted at the property the same day.

On August 20, 2019, Gerald started an application for a Coast Development Permit to address the demolition of the previous residential structure and to rebuild the residence in the same footprint. Additionally, the application proposed an attached second unit. As of November 20, 2019, this application was still being reviewed and processed.

With Gerald applying for the Coastal Development Permit it appeared he was putting forth a good effort to comply. We discussed an option of a Compliance Agreement which would stay any penalties, allow him time to complete the permit process, get the needed permits issued, and complete the work required by the permits, along with additional time to complete the corrective actions for the other conditions and violations on the property, however, the terms could not be agreed upon and no retraction of Gerald's request for an Administrative Civil Penalty Appeal Hearing or a Code Enforcement Appeal Hearing was received.

I completed the Notice of Administrative Civil Penalty Appeal Hearing and the Notice of Code Enforcement Appeal Hearing and personally served Gerald with both notices on October 25, 2019. On October 29, 2019, the Notice of Administrative Civil Penalty Appeal Hearing and the Notice of Code Enforcement Appeal Hearing were mailed to the address on file with the tax collector first class and certified. The Administrative Civil Penalty Appeal Hearing and the Code Enforcement Appeal Hearing were scheduled for December 13, 2019 at 9:00 a.m.

Attachments: Building Inspector Gustin Dumler's Findings from May 7, 2019 Inspection

Date: 11-27-19


[Signature]



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

6-20-2019
G. Dumler

Code Enforcement Inspection
Gerald McGuire
6766 West Avenue
Fields Landing, CA
APN# 306-024-004
Date of inspection: 5-7-2019

Work is being done without valid permit

Structures inspected; unfinished master bedroom with bathroom, two story garage with 1 ½ bath with balcony, greenhouse hoop structure.

These structures are unsafe to occupy based on the 1997 Uniform Housing Code, Substandard Buildings.

1001.7 Hazardous Mechanical Equipment; woodstove (2), on demand hot water heaters (2)

1001.10 Faulty Materials of Construction, 1001.3 Structural Hazards; unsafe overhang on master bedroom, inadequate calculated floor load for upstairs garage bathroom and living area, elevated balcony built on garage.

1001.6 Hazardous Plumbing; upstairs garage bathtub, on demand hot water heaters (2)

1001.5 Hazardous Electrical Wiring; unprotected wiring throughout, no electricity on site.

-Provide Building plans and obtain building permits for all proposed work and uses of existing structures.

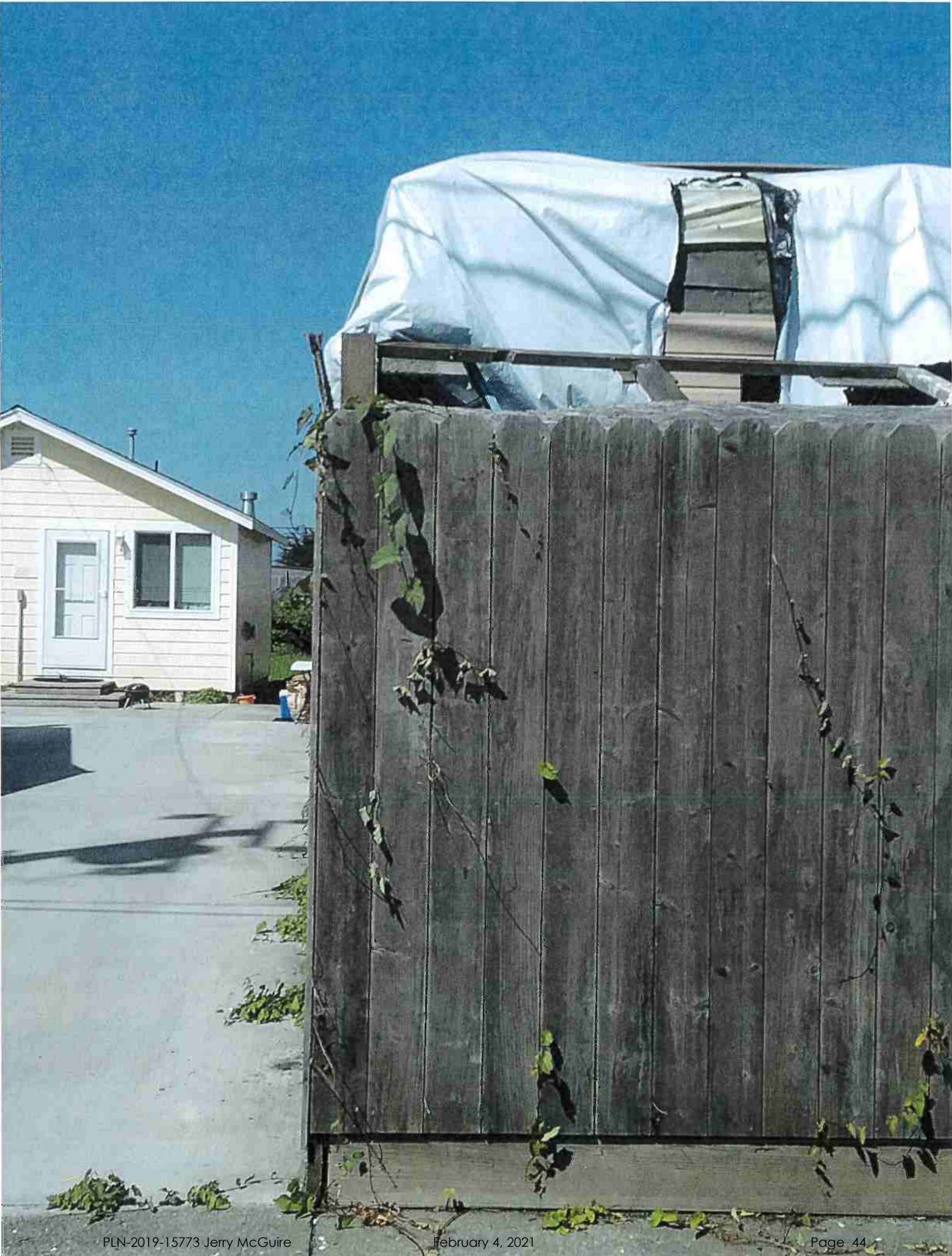
Gustin Dumler
Senior Building Inspector
County of Humboldt
Building Division
Desk, 707-268-3714
Cell, 707-499-2029
Email, gdumler@co.humboldt.ca.us

Attachment 4
August 7, 2020 Pictures and Google Earth Timeline

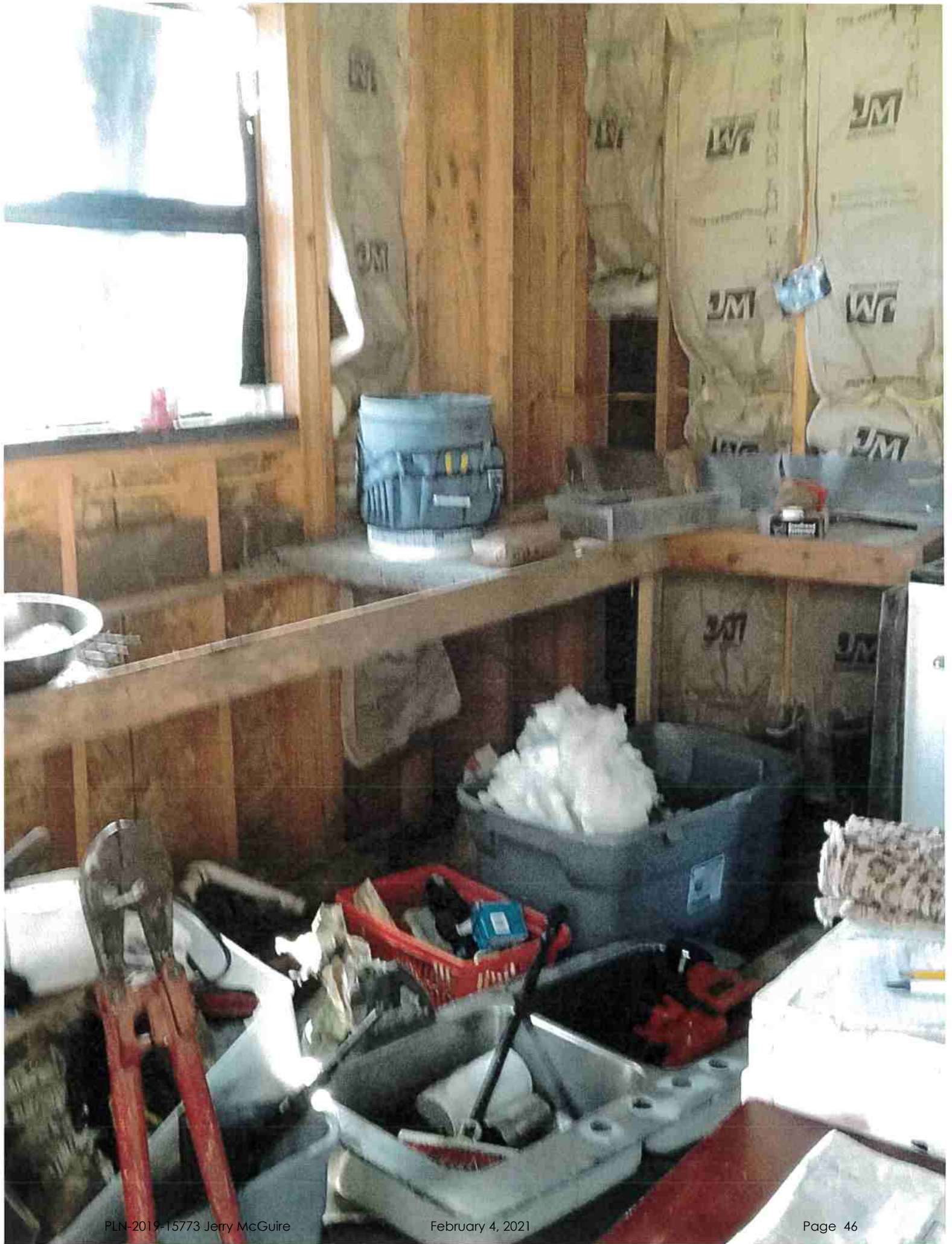


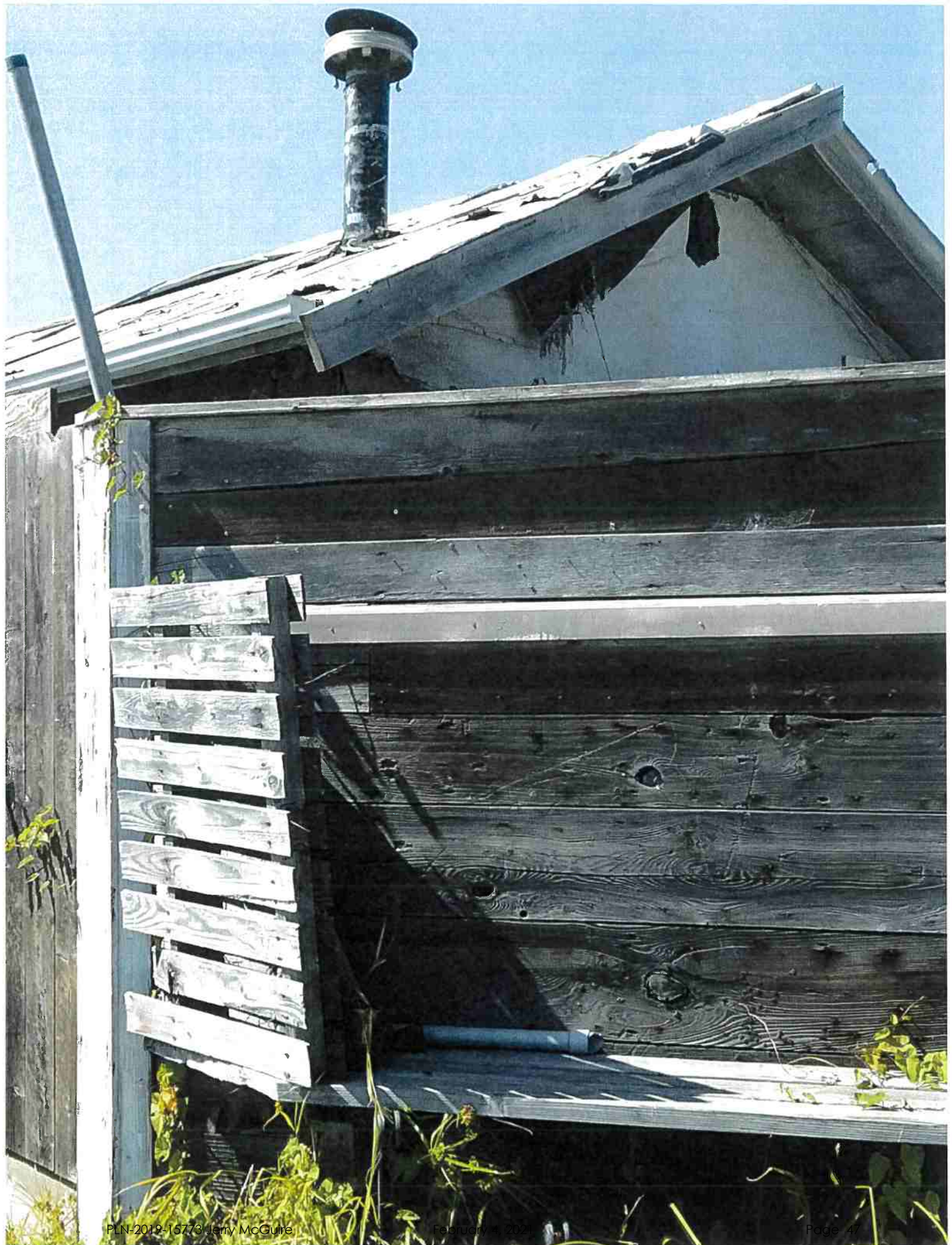


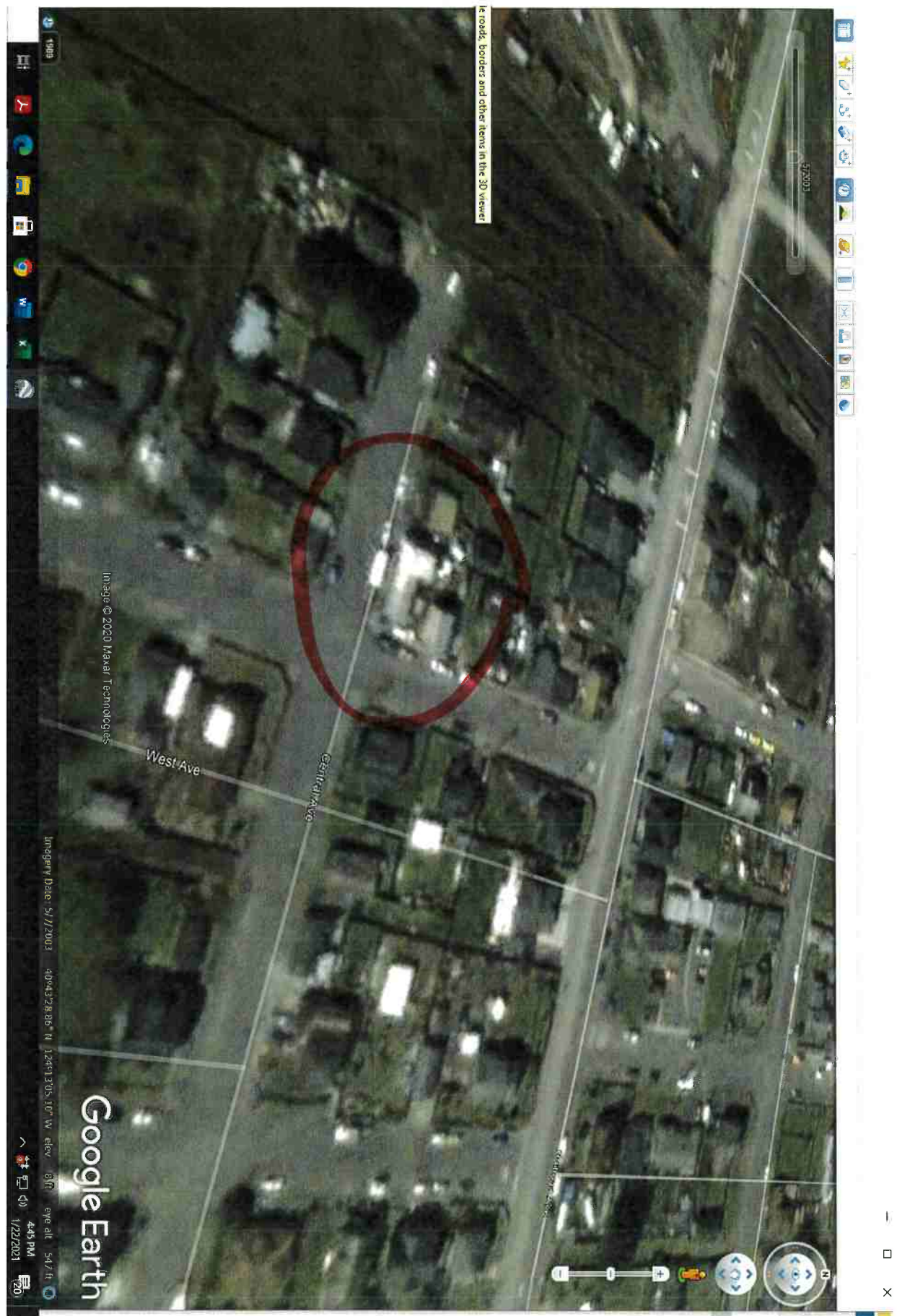


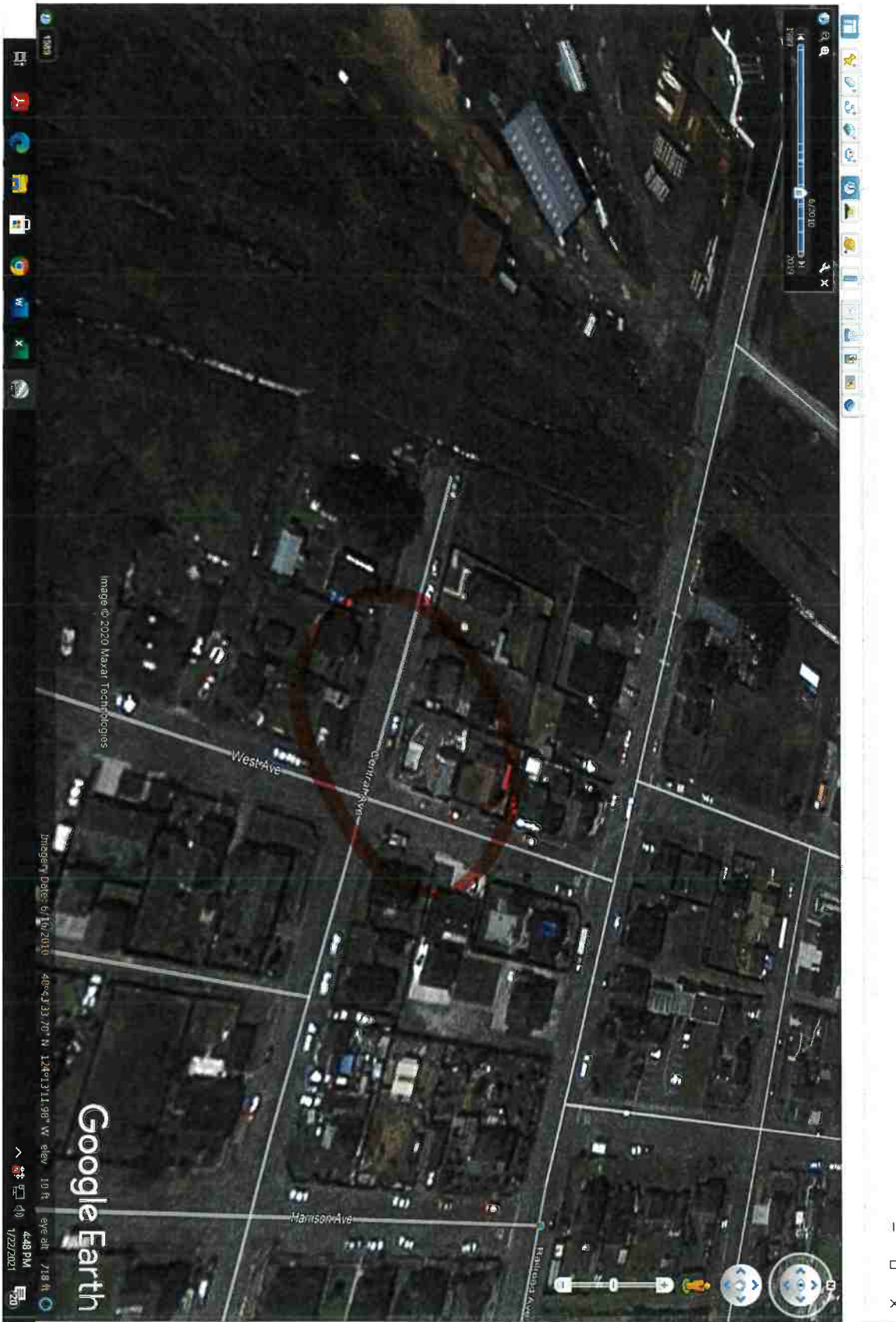


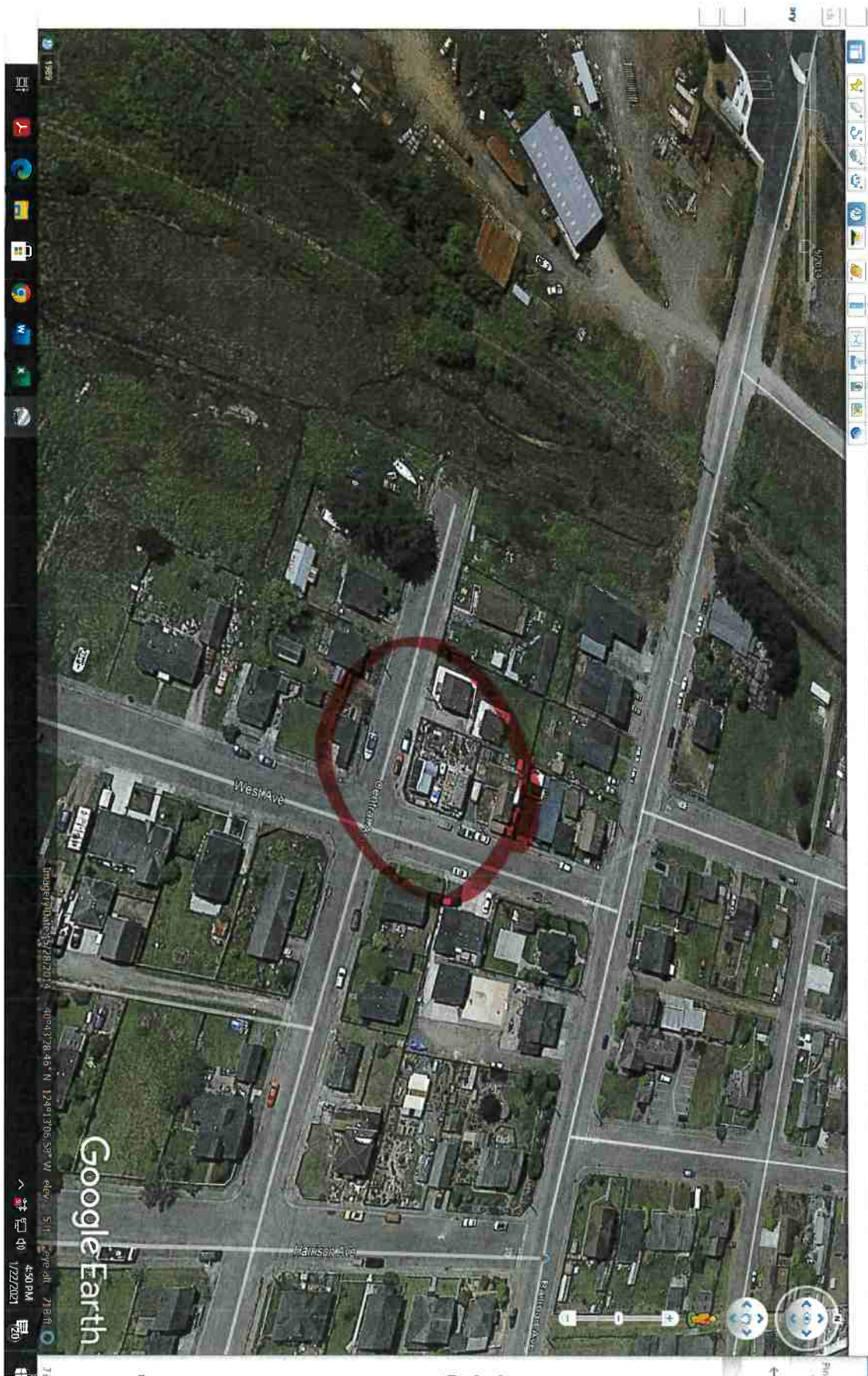












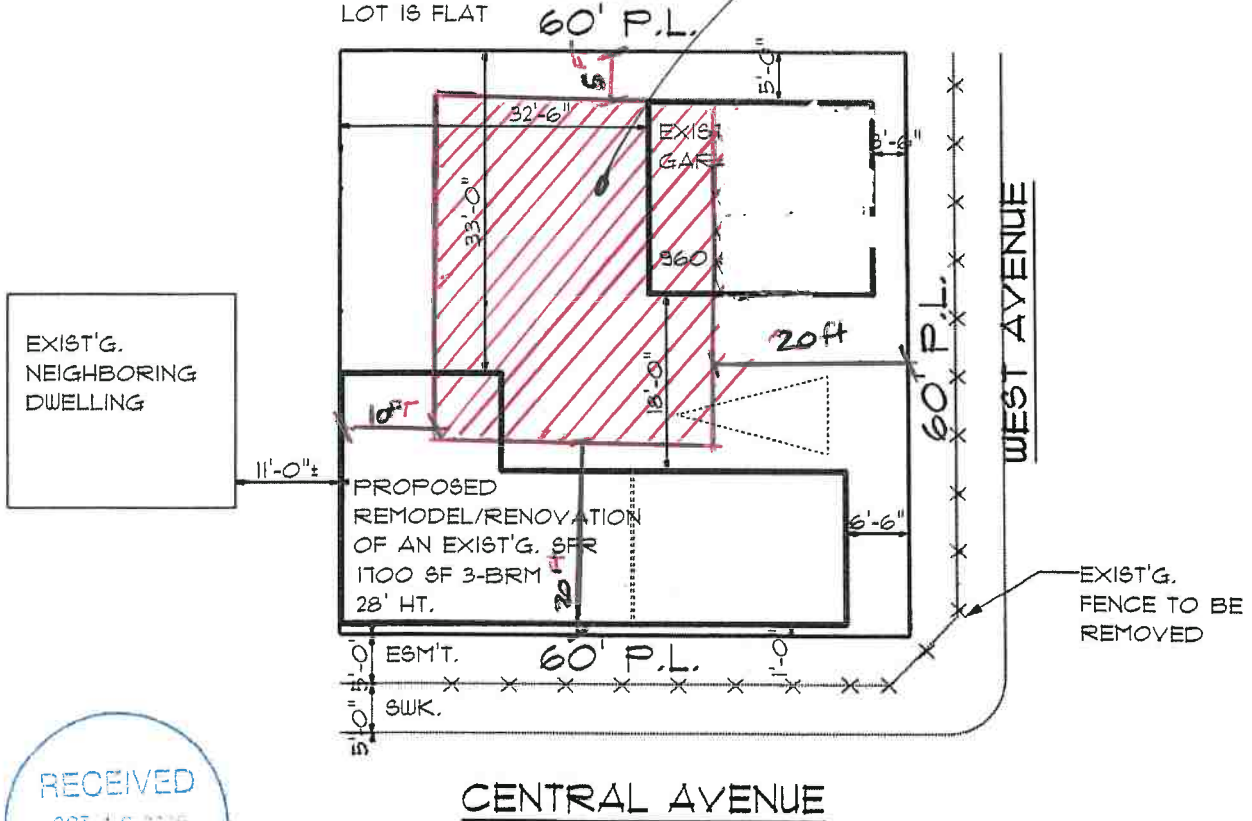


Attachment 5
Exhibit A and B Building Envelope

EXHIBIT A BUILDING ENVELOPE WITH STANDARD SETBACK

NO TREES TO BE REMOVED
6" ROOF OVERHANG NOT SHOWN
NO CREEKS
COMMUNITY WATER & SEWER
NO SEPTIC OR PROPANE TANKS
NO KNOWN SURVEY MONUMENTS
LOT IS FLAT

BUILDING ENVELOPE
30x35=1050 sq ft



RECEIVED
OCT 16 2020
Humboldt County
Planning Division

CENTRAL AVENUE



PLOT PLAN

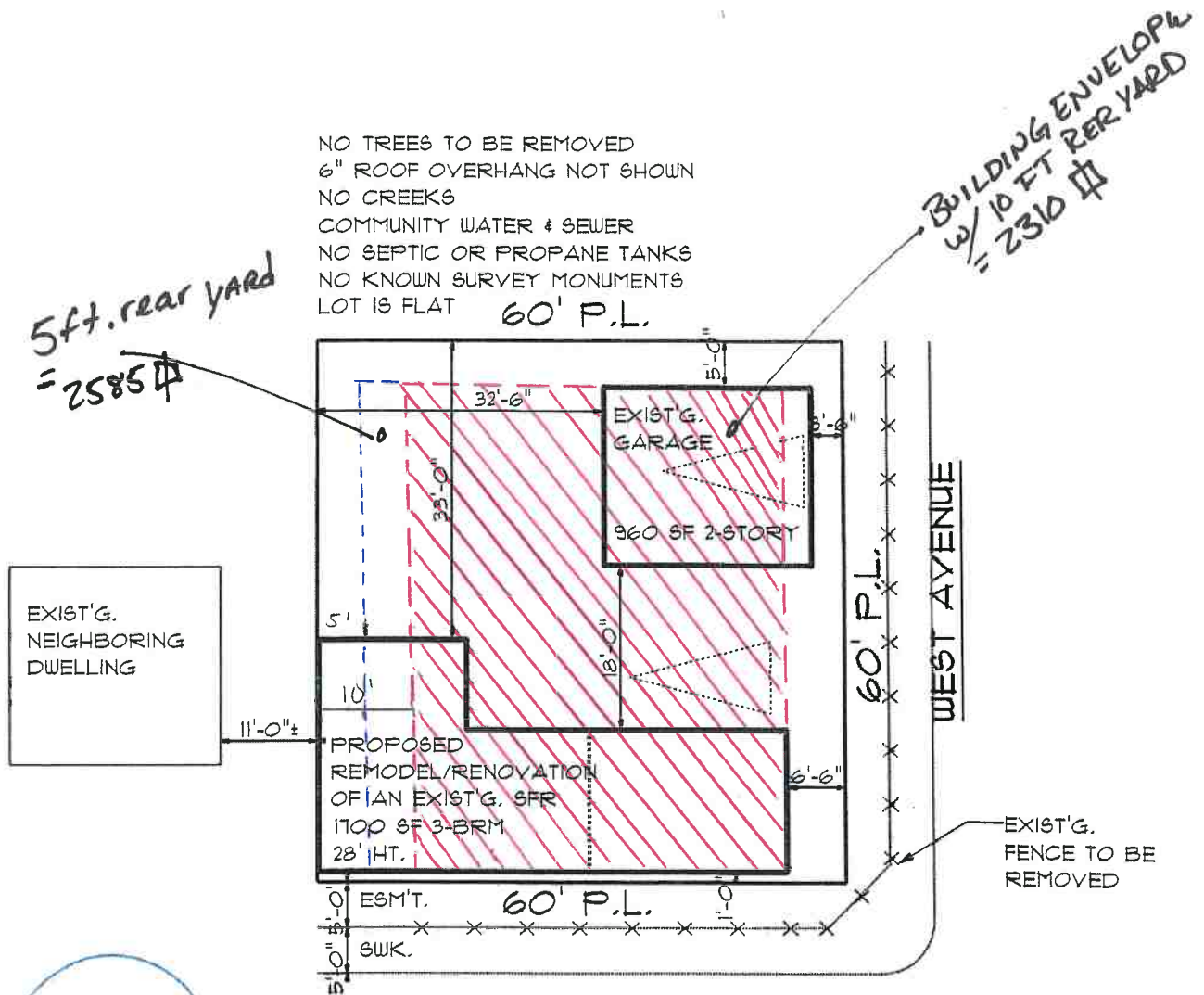
SCALE: 1" = 20'-0"
10-16-2020

GERALD MCGUIRE
1545 PENINSULA
ARCATA, CA 95521
(707) 444-2135

PROJECT:
APN 306-024-004
6766 WEST AVENUE
FIELDS LANDING, CA

REVISED
10-16-20

EXHIBIT B BUILDING ENVELOPE WITH RELAXED SETBACK



PLOT PLAN

SCALE: 1" = 20'-0"
10-16-2020

GERALD McGUIRE
1545 PENINSULA
ARCATA, CA 95521
(707) 444-2135

PROJECT:
APN 306-024-004
6766 WEST AVENUE
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REVISED
10-16-20