

## Shortridge, Tricia

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**Subject:** FW: FOLLOW-UP Jerry McGuire CDP PLN-2019-15773  
**Attachments:** nonconforming structures.pdf; Hearing Findings and Orders Decisions with POS.pdf; Fee Worksheet Effective 12.2.19.xlsx

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**From:** Shortridge, Tricia  
**Sent:** Tuesday, January 12, 2021 11:02 AM  
**To:** Barco@suddenlink.net  
**Subject:** FW: FOLLOW-UP Jerry McGuire CDP PLN-2019-15773

Hi Brian, I'm going to have to recommend denial for Jerry's project. You agreed with me that you would get back to me on the 6<sup>th</sup>. If it's the money that is holding this up, Jerry can look into getting a payment plan.

*T. Shortridge*

Tricia Shortridge, Planner  
[tshortridge@co.humboldt.ca.us](mailto:tshortridge@co.humboldt.ca.us)  
Current Planning Division



Planning and Building Department  
3015 H Street  
Eureka CA 95501  
(707) 445-7541

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**From:** Shortridge, Tricia  
**Sent:** Tuesday, December 29, 2020 1:33 PM  
**To:** [Barco@suddenlink.net](mailto:Barco@suddenlink.net)  
**Subject:** FOLLOW-UP Jerry McGuire CDP PLN-2019-15773

Dear Brian, thank you for the recent phone conversation about the email below.

We agreed on a short deadline date of Wednesday January 6th in which you will provide a new project description which will reflect Jerry's choice on what he wants to do based on the email below. Here is a short re-cap:

1. Should he decide to move forward with rebuild, I need to see new elevations of the rebuild in compliance with the flood and sea level rise policies. A ground floor garage is the design I envision. The rebuild must be situated in compliance with the standard required yard setbacks (in the second bullet point below), or he may request a variance of the side and front setback. A variance of the rear setback may be possible, but I recommend that

you do not request the zero setback that is existing. Ten feet would be reasonable and justifiable in terms of design and impact upon the neighboring property to the west.

2. If Jerry decides to scrap plans for a rebuild, and decides to only abate the nuisance structures, he still needs a coastal development permit for the demolition. We would still go to Planning Commission since this has become so controversial.
3. Attached is a fee sheet. To continue on with this project to decision we need more money. What we don't use, we will refund. Jerry's application deposit has been used up and he currently owes \$672.50. I can tell you that there are many hours I have not billed for – due to learning curve delays on my part. I did not bill for the email below or the follow-up phone call – which took an hour at \$110/hour.

I appreciate the time and effort you are putting into this Brian – this is not easy for anyone. I wish Jerry the very best and I feel like I've done him a disservice for letting this project get out of control and not providing extremely clear direction from the start. It could be very straight forward and we should be done with this by now.

*T. Shortridge*

Tricia Shortridge, Planner  
[tshortridge@co.humboldt.ca.us](mailto:tshortridge@co.humboldt.ca.us)  
Current Planning Division



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3015 H Street  
Eureka CA 95501  
(707) 445-7541

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**From:** Shortridge, Tricia  
**Sent:** Tuesday, December 29, 2020 11:22 AM  
**To:** [Barco@suddenlink.net](mailto:Barco@suddenlink.net)  
**Subject:** Jerry McGuire CDP PLN-2019-15773

Hi Brian, I spoke with my Supervisor Steve Werner and Director John Ford after I sent you the email below and our phone discussion. There have been some changes to what I've informed you based on a full reading of zoning ordinance section 313-132 Nonconforming Structures.

I need to speak with you about the following issues:

- The definition (and qualification) of a non-conforming structure. Jerry lost his right to continue the nonconforming structure in the proposed footprint. This is because he made structural alterations without building permits (this includes the demolition of most of the house).
- The required yard setbacks. The setbacks in Single Family Residential (RS) are: Rear: 10 ft., exterior side: 20 ft. or 10 ft (if the rear wall of the house is 25 ft. from rear lot line), front: 20 ft., interior side: 5 ft. Jerry may request a variance and approval of this request depends upon how strong the justification is. Based on the small setbacks that neighboring properties have, Jerry could probably get some form of approval for reduced setbacks, on the front, exterior side and rear. To do this, we need to add variance to the application and this will require additional fees and information from you.

- The Coastal Zone policy on sea level rise in the Fields Landing Area: This is going to require the living space to be elevated an extra 8 ft. (approximate – 4 ft. above sea rise + 4 ft. sea rise - I am still working out the calculations), plus 1 ft. above the high flood mark for a total of 9 ft. above grade.

I've already accurately informed you about the flood damage prevention ordinance.

The planning commission hearing on the 21<sup>st</sup> is probably not going to happen since I had this discussion last night and we need to hammer out the details above and find out what Jerry wants to do. We can have a meeting over zoom to talk about this further. He has some decisions to make regarding:

- Whether or not he will redesign the residential rebuild with garage on bottom and living space on top.
- Whether or not he is willing to comply with the required yard setbacks for the RS zoning or if he wants to request a variance.
- Whether or not he is willing to work with us on getting to an approvable design - which is going to require that he removes the slab foundation he poured without permits (unless there is a way to keep portions of it) and remove the unpermitted framing (unless portions of it are salvageable) – all of which will cost him more money.
- Decide whether or not to request that CDP project description is changed to involve only demolition of the structures and living spaces requiring abatement.

It's also worth noting that I have been informed that the Community Development Director gets calls from Jerry's neighbors almost on a daily basis. The condition of this property is a serious health and safety issue and hurts the property values of the neighboring property owners. Based on my site visit to Jerry's place earlier this year, it appears he has not complied with several parts of his Abatement Order (see attached). Specific steps to abate are found on pages 9, 10, 11, 12. Please send me a list of what is completed so I can verify this information in the Staff Report to the Planning Commission. Not complying with this abatement order and unwillingness to work with us on a redesign is grounds for denial of the rebuild – in which case, Jerry would have no choice but to follow the requirements of the abatement order.

I will call you to follow-up on this email.

*T. Shortridge*

Tricia Shortridge, Planner  
[tshortridge@co.humboldt.ca.us](mailto:tshortridge@co.humboldt.ca.us)  
 Current Planning Division



Planning and Building Department  
 3015 H Street  
 Eureka CA 95501  
 (707) 445-7541

**From:** Shortridge, Tricia  
**Sent:** Monday, December 28, 2020 1:56 PM  
**To:** [Barco@suddenlink.net](mailto:Barco@suddenlink.net)  
**Subject:** Jerry McGuire CDPPLN-2019-15773

Dear Brian,

The Building Dept has provided the following referral comments:

- The residence needs to be rebuilt to be elevated 1 foot above base flood elevation. HCC 335-5(3)(A), because:
  - Based on the pictures from the code enforcement file, Jerry demolished basically everything that was previously his residence. At one point, it appears that one wall was left standing. This is a complete rebuild of a residential structure. The flood ordinance gets triggered when the construction is considered a substantial improvement and is more than 50% valuation of the existing structure (according to the most recent valuation (1986) in the Assessor records.

Dept of Public Works also provided the following comments:

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.

The good thing is, that the setbacks of the house can remain. After some very time consuming research, we were able to put together evidence to demonstrate that the current building footprint was established in the 1950s.

This project will be decided upon at Planning Commission. I am shooting for 1/21/2021.

I will call you to confirm this email.

*T. Shortridge*

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