

## comments for Special Board Meeting Jan. 4, 2022

Sara Turner <sjmturner7@gmail.com>

Thu 12/30/2021 12:51 PM

To: Becky Schuette <bschuette@arcatafire.org>

Cc: Kim & Scott Turner <sincitynv@yahoo.com>; Paul Turner <Ing.paul.turner@gmail.com>; Jason Garlick <jgarlick@garlicklaw.com>

Dear Becky,

Receipt of the agenda and other items related to my appeal for adjustment of special tax on the property located on 1506 J Street came just before Christmas and as the office has been closed all of the following week, it has been difficult for formulate a response. I interpret the reason for denial of my appeal to be related to Ordinance Number: 20-20, Section 3. Special Tax Rate. My parcel was rated D. Multi-Family Residential (2-4 units). I believe it is properly rated B. Single-Family Residential for the following reasons. Please make this information available to all Board members present as I have had trouble in the past with Zoom and cannot be certain it will not happen again.

Measure F 20-20 Ordinance, Section 3, item B states: Single Family Residential is defined as "A dwelling unit designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except as accessory dwelling unit, where permitted).

I have forwarded statements from both the City of Arcata and Pacific Builders that this ADU was fully permitted. Sewer and water are provided by a single line/pipe and I can furnish statements for six years attesting to the fact that I have paid the bills for the house I occupy AND the ADU. I have also paid for all Recology and PG&E services and can provide statements as to that also. As defined: Multi-Family Residential (5-9 units) dwelling units within a single building, or structures on a parcel. Types of multiple unit dwellings include, but are not limited to, apartments, condominiums, and bed and breakfasts.

Resolution Number 21-233: A Resolution of the Arcata Fire Protection District Board of Directors Adopting Policies for the Conduct and Hearing of Challenges to Use Classifications under Ordinance No. 20-20 (Measure F) and Ordinance 6-12, Section 5: Special Considerations Regarding Accessory Dwelling Units (c) III:

There are eight items under this paragraph, only one of which has any validity. That is the mailbox attached to the garage which has been left in place for security reasons. I am 95 years old, live alone and have been burglarized from my front porch and patio twice and a window broken once. I have security lights and believe the mailbox might deter someone from walking in the back yard.

It is my belief that this ADU was not only "permitted" it meets the standard for designation as Single Family Residential.

Sara Turner

✓

Post in a Conspicuous Place on the job

# INSPECTION RECORD CARD

Office of Building Official - City of Arcata - Phone 822-5956

Assessor's Parcel Number: 020102005 Permit No. 11141

Address: 1506 J St.

Files: \_\_\_\_\_

Type of Permit:  Building  Electrical  Plumbing  Mechanical

Date Issued 12-21-10  Other

Owner: Sara Turner Phone: \_\_\_\_\_

Contractor: Pacific Builders Phone: ( ) 822-7720

Job Description: second unit (detached) →

<b>Foundation</b> Inspection to be made before concrete is poured	Setbacks	_____
	Foundation	<u>OK 1-14-11</u>
	Stem Wall	_____
	Plumbing under slab	<u>OK 1-13-11</u>
	Underground electrical	_____
	Slab Wire	_____
<b>Masonry - Retaining Walls</b> To be made before placing of concrete	Wall reinforcing	_____
	Second lift	_____
	Bond Beam	_____
	Cleanouts	_____
<b>Underfloor</b> To be made before sub-floor is laid	Joists / Sills	_____
	Plumbing	_____
	Gas Line	_____
<b>Top Out</b> To be made before insulation or drywall	Plumbing	_____
	Gas	_____
	Electrical	_____
	Flues	_____
	Framing	<u>OK 2-9-11</u>
	Roofing	_____
<b>Drywall/Stucco</b> before tape on drywall	Stucco Lath	_____
	Drywall	<u>OK 2-16-11</u>
<b>Insulation</b> To be made before drywall	Underfloor	_____
	Walls	<u>OK 2-10-11</u>
	Ceiling/Roof	_____
<b>Electrical / Gas Tag</b> Before final inspection	Electrical Tag	<u>OK 3-24-11</u>
	Gas Tag	<u>OK 2-24-11</u>
	Gas Test	_____
	Start <u>12:30</u> Finish <u>10:45</u> Pressure <u>120PSI</u>	
<b>Final</b> Do Not Occupy Building Until These Are Signed	Building	<u>OK 4-5-11</u>
	Electrical	_____
	Plumbing / Mechanical	_____
	Sewer	<u>OK 2-24-11</u>

When properly signed this card is a **CERTIFICATE OF OCCUPANCY**

Signature of Inspector after item designates approval

Extend To: \_\_\_\_\_

Letter Sent: \_\_\_\_\_



**Fw: "permitted" for 1506 J Street?**

Becky Schuette <bschuette@arcatafire.org>

Thu 12/30/2021 1:24 PM

To: Justin McDonald <jmcdonald@arcatafire.org>

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**From:** Sara Turner <sjmturner7@gmail.com>

**Sent:** Tuesday, December 28, 2021 1:50 PM

**To:** Becky Schuette <bschuette@arcatafire.org>; Sebastian Turner <seabasslvnv@gmail.com>

**Cc:** Paul Turner <Ing.paul.turner@gmail.com>; Kim & Scott Turner <sincitynv@yahoo.com>; Jason Garlick <jgarlick@garlicklaw.com>

**Subject:** Fwd: "permitted" for 1506 J Street?

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Dear Becky,

Please add this message from the City of Arcata to my Petition for Adjustment of Benefit Assessment and/or Special Tax

Sara Turner

Begin forwarded message:

**From:** Joe Mateer <jmateer@cityofarcata.org>

**Subject: RE: "permitted" for 1506 J Street?**

**Date:** December 28, 2021 at 12:58:09 PM PST

**To:** Sara Turner <sjmturner7@gmail.com>, Pat McDonald <patm@pacificbuilders-arcata.com>

**Cc:** Paul Turner <Ing.paul.turner@gmail.com>, Kim & Scott Turner <sincitynv@yahoo.com>, Jason Garlick <jgarlick@garlicklaw.com>

Sarah:

Thank you for reaching out to us.

In regards to your property at 1506 J St. / Assessor's Parcel Number 021-102-005 the City of Arcata recognizes an existing single family dwelling unit and a detached accessory dwelling unit. The accessory dwelling unit was full developed and permitted with both Design Review approval and the issuance of Building Permit (BP # 11141). According to Building Permit records, the accessory dwelling unit was completed and approved for occupancy on April 5, 2011.

All for now. Take Care and Be Safe

Joe Mateer, Senior Planner

City of Arcata – Community Development Department  
707-825-2139 / [jmateer@cityofarcata.org](mailto:jmateer@cityofarcata.org)  
[www.cityofarcata.org](http://www.cityofarcata.org)

CHECK OUT THE GATEWAY PLAN to expand equitable and sustainable opportunity

City Hall is now open for business from 9:00 to 5:00, Mon-Fri. We encourage you to get vaccinated and continue to wear a mask in vulnerable settings. We currently continue to provide City services by phone, email, and web-based services.

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

From: Sara Turner <[sjmtturner7@gmail.com](mailto:sjmtturner7@gmail.com)>

Sent: Tuesday, December 28, 2021 10:38 AM

To: Joe Mateer <[jmateer@cityofarcata.org](mailto:jmateer@cityofarcata.org)>; Pat McDonald <[patm@pacificbuilders-arcata.com](mailto:patm@pacificbuilders-arcata.com)>

Cc: Paul Turner <[Ing.paul.turner@gmail.com](mailto:Ing.paul.turner@gmail.com)>; Kim & Scott Turner <[sincitynv@yahoo.com](mailto:sincitynv@yahoo.com)>; Jason Garlick <[jgarlick@garlicklaw.com](mailto:jgarlick@garlicklaw.com)>

Subject: "permitted" for 1506 J Street?

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Joe and Pat,

When my tax bill came last November, I noted the substantial increase in the fire tax, assuming it was because of Measure F, approved by voters previously. I paid my tax bill in full. I believed that because I no longer used the detached cottage as a rental, I should be classified as a single family house. I filed the form supplied online and was notified on December 24 that my application was denied. The office is closed all this week. The Special Meeting for Jan. 4 at 5:30 PM, in advance of the regular Board meeting on Jan. 6 puts me at a distinct disadvantage in formulating a response. I hope one or both of you can help me.

I must quote the Discussion paragraph in its entirety as it appears to be the basis for the denial.

"The petitioner identifies that the detached cottage on the property was built for the intended use by family, friends, and caregivers. She also indicates that the cottage has been rented over the years and she will continue to (use it) for all family friends and caregivers for residential occupancy.

Owner admits to utilizing the property/structure in accordance with the Special Tax Ordinance 20-20's use definition of Multi-Family."

Measure F, Ordinance Number 20-20 defines Single-Family Residential as "A dwelling unit designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except as an accessory dwelling unit, where permitted).

Multi-Family Residential (2-4 units): 2-4 units within a single building, or structure on a parcel. Types of multiple-unit dwellings include, but are not limited to, duplexes, apartments, condominiums, and bed and breakfasts.”

Resolution Number 21-233 of the Arcata Fire Protection District further elaborates on the Policies For the Conduct and Hearing Of Challenges To Use Classifications Under Ordinance 20-20 (Measure F) and Ordinance 06-12. This lengthy document comprises Pages 1-5 of that Resolution. Section 5,b, Special Considerations Regarding Accessory Dwelling Units “ ADUs and Single Family Zoned Parcel “In the case of a property zoned to permit no more than one single family residence, the District shall assume that an additional accessory structure used as a dwelling is an accessory dwelling unit (“ADU”), as described in Section 3 of Ordinance No. 20-20, provided the particular zoning regulations or state law allow for an accessory dwelling unit on that property.

My question for you is this: Was this ADU, constructed in 2011, not fully “permitted”? We passed the Design Review committee in 2010, construction began early January, 2011 and completed mid summer. I have numerous documents attesting to the many subcontractors as to their legitimacy and the final inspection by the City of Arcata. The fact that it was rented for a few years after completion appears irrelevant to the classification under the definition of Single-Family Residential.

After the one and only real “tenant” was financially able to buy their own home, they moved out and it was not occupied until my son died suddenly in December 2019 and I allowed his housemate to move in. She was unable to pay for the house they shared. When covid-19 began, it was not feasible to expect her to move but eventually I had to file for eviction earlier this year. She was mentally ill and was hospitalized involuntarily. This is, of course, confidential information.

Please supply any information you can that may clarify my situation in a format that can be forwarded to the Arcata Fire Protection District office. At my age (95) this has become a very troubling matter.

Thank you.

Sara Turner

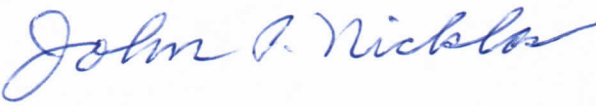
RECEIVED

DEC 28 2021

Arcata Fire District

Revised Addendum to Petition for Adjustment filed on December 1, 2021

Arcata, APN # 503-481-007

Date: December 28, 2021  
To: Board of Directors, Arcata Fire District  
From: John P. Nicklas   
Subject: Statement from Justin McDonald, Fire Chief (dated January 4, 2022)

Chief McDonald's response to my petition concludes that my Accessory Dwelling Unit (ADU) must be inspected by the City in order to be recognized under the ADU exception in Measure F. It has already been inspected. It was inspected in 1980 when it was constructed. It was inspected again in 2001 when a kitchenette was added by Ray Wolfe Construction (major work was done on both the house and the ADU at that time). That 2001 inspection included all required smoke alarms. Existing documentation of these inspections is incomplete.

The City has no objection to my ADU. In fact it is in line with City policy to encourage infill.

Measure F allows an exception for ADU's ". . . where permitted)". Accessory dwelling units have always been permitted where I live under both past, and current applicable zoning rules. Requiring documentation of City inspection goes beyond the provision for ADU's in Measure F. The City is willing to re-inspect my ADU, but that would be time consuming and would impose an unfair burden on me if required by the District.

With great respect for the service provided to our community by the District, and its Board I say that continuing to tax my primary residence as multi-family housing would be an abuse of the District's taxing authority.

**Fw: Petition for Adjustment (Arcata, APN # 503-481-007)**

Becky Schuette <bschuette@arcatafire.org>

Thu 12/30/2021 1:22 PM

To: Justin McDonald <jmcdonald@arcatafire.org>

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**From:** John P. Nicklas <nicklas4@sonic.net>  
**Sent:** Tuesday, December 28, 2021 2:59 PM  
**To:** Becky Schuette <bschuette@arcatafire.org>  
**Subject:** Petition for Adjustment (Arcata, APN # 503-481-007)

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Dear Becky,  
Please add these messages between me and the City of Arcata to My Petition for Adjustment. This is in addition to the written statement I delivered to the McKinleyville station last evening.  
John P. Nicklas

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

**Subject:**Re: 2700 McDowell Ct - unpermitted second unit  
**Date:**2021-12-28 07:35  
**From:**"John P. Nicklas" <nicklas4@sonic.net>  
**To:**Joe Bishop <jbishop@cityofarcata.org>

Thank you Joe Bishop,  
I am not requesting a second address.  
None of the utilities are separated. There is no plan to separate any of the utilities in the future.  
The second unit has been used as an extension of the main house for the past 20+ years. It may be used as a long-term rental in the future.  
I am planning to have some work done soon in the second unit which will require a building permit. My plan is to resolve the current lack of documentation for the existing kitchenette in the second unit when that work is done. Cabinets were added to the kitchenette in 2001 by Ray Wolfe Construction as part of an extensive amount of work done on both the main house and the second unit. All required smoke detectors were inspected at that time. Your advice and assistance yesterday helped me in understanding what needs to be done. I will be getting back to you when the planned work is ready to begin.  
Thanks again, John P. Nicklas

On 2021-12-27 16:16, Joe Bishop wrote:

Thank you Joe.

John, I was out on inspections but I did receive your voicemail and I pulled all of the permit inspection record cards I have on file. There are ten cards total spanning from the new construction permit in 1979 to a re-roof permit in 2015. This shows a great record of compliance and care. The only unfortunate thing is that none of our records clearly name a second unit, and none of them clearly state adding a kitchen. This is not of great concern to me as things were different back when this was originally constructed. In order to assist you as best we can I just have a few question:

1. Are you requesting a second address?



2. Are any of the utilities (water, sewer, gas, electric) separated, if so which ones?
3. What is the intended use and/or how has this second unit been used? I.e. is this (or will this be) a long term rental, short term rental, or an extension of the main house?

I'm about to head out for the day but I will get back with you again tomorrow and we will help you as best we can. Thank you again.

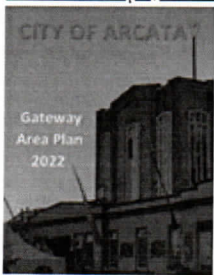
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**From:** Joe Mateer  
**Sent:** Monday, December 27, 2021 3:33 PM  
**To:** Joe Bishop <[jbishop@cityofarcata.org](mailto:jbishop@cityofarcata.org)>; nicklas4@sonic.net  
**Cc:** Netra Khatri <[nkhatri@cityofarcata.org](mailto:nkhatri@cityofarcata.org)>  
**Subject:** RE: 2700 McDowell Ct - unpermitted second unit

Thanks Joe Bishop for reaching out to Mr. Nicklas. In terms of zoning and land use, I believe the project will be reviewed and approved through the "As Built" Building Permit. If I recall correctly, the project would not include any exterior alterations; increase the building footprint or area; and not exceed more than two dwelling units on the property. If this is the case, Community Development review would be minimal.

All for now. Take Care and Be Safe.

Joe Mateer, Senior Planner  
City of Arcata - Community Development Department  
707-825-2139 / [jmateer@cityofarcata.org](mailto:jmateer@cityofarcata.org)  
[www.cityofarcata.org](http://www.cityofarcata.org)



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**From:** Joe Bishop <[jbishop@cityofarcata.org](mailto:jbishop@cityofarcata.org)>  
**Sent:** Monday, December 27, 2021 3:05 PM  
**To:** [nicklas4@sonic.net](mailto:nicklas4@sonic.net)  
**Cc:** Joe Mateer <[jmateer@cityofarcata.org](mailto:jmateer@cityofarcata.org)>; Netra Khatri <[nkhatri@cityofarcata.org](mailto:nkhatri@cityofarcata.org)>  
**Subject:** 2700 McDowell Ct - unpermitted second unit

We would be happy to help you bring your second unit (ADU) into compliance. The process will be very similar to permitting a proposed unit, except your drawing will be titled "as-built".

Rather than a lengthy email I propose that we either talk on the phone, in a "zoom" meeting, or set up a time to meet in person. Let me know what works best for you.

Joe Bishop

Building Official

CITY OF ARCATA

736 F Street, Arcata CA 95521

Building Department (707) 822-5956

[jbishop@cityofarcata.org](mailto:jbishop@cityofarcata.org) (707) 825-2144