

Lagunitas tea purveyor reports progress in county settlement talks

By Anna Guth

Settlement discussions are underway between Marin County and David Lee Hoffman, the Lagunitas resident who faces mounting fines in his fight to preserve dozens of unpermitted structures on his property. At a hearing last Friday, both parties reported to Marin County Superior Court Judge Paul Haakenson that their negotiations over the past three months had been productive, though they have yet to reach an agreement. The court will reconvene in 90 days to hear their progress. Mr. Hoffman faces a near \$1 million tab on his property taxes in penalties and fees, alongside an estimated cost of \$2.2 million to bring his property into compliance. County counsel announced in June that it would consider a settlement, a new offer they made after hearing that supporters had formed a nonprofit, the Lagunitas Project, and planned to raise the necessary monies. Paul Seaton, a San Rafael attorney who is serving as the executive director for the Lagunitas Project, updated Judge Haakenson on Friday that the group has more

than \$90,000 in promised donations. Mr. Seaton is working with the receiver—who has been in control of Mr. Hoffman's property since 2015—and county counsel Brian Case to determine how to best bring the 36 structures and other features on the property into compliance with county code. Meanwhile, Mr. Hoffman, who dismissed his lawyers earlier this year to take matters into his own hands, has been tackling the financial aspect of the settlement with Mr. Case. Transferring ownership of the property to the nonprofit will be a part of the settlement. Thanks to Mr. Seaton's advocacy, the Marin chapter of the Sierra Club penned a letter to the judge this month in support of preserving the property, which it wrote was a model of sustainability. Mr. Hoffman and his many supporters have long advocated for the county to apply a more lenient code, the California Historic Building Code, to the property, which they argue has architectural and historical significance. The Sierra Club's letter favored the application of this code; doing so could involve the reinstatement of the Marin County Architectural Commission's decision from 2016 that the site is historically important. (The status of that designation is under dispute.) "While the land use of the Last Resort property is unconventional, we acknowledge that unconventional approaches will be needed in order to overcome the global environmental challenges facing humanity," wrote Judy Schriebman, chair of the Marin Group Sierra Club. "Under normal circumstances, the Sierra Club

would be inclined to challenge property use that involved over-building. In this case, whatever its origins, we now feel there are vitally important overriding considerations in favor of preservation." Ms. Schriebman described the two overriding considerations, including that Mr. Hoffman has demonstrated a "nearly closed-loop cycle for waste treatment and food production, on a very small property. This is an extraordinarily powerful and unique working example of sustainability." Second, Mr. Hoffman has treated the property "as a community resource, opening [it] to tours by international land-use designers, individuals interested in small-scale sustainable land use, and even local school field trips, as well as offering a meeting space." Judge Haakenson acknowledged the letter on Friday and emphasized that he has not taken the many opportunities that have come before him to order the property to be demolished. Mr. Hoffman, who now is well accustomed to speaking on his own in court despite his trouble hearing, raised an issue concerning a mysterious fee charged by the Bank of America during his settlement discussions. Judge Haakenson, speaking to a Bank of America representative who phoned in to the hearing, more or less resolved the issue, which proved to be a previous fine rather than a new penalty. The judge encouraged Mr. Hoffman to stay positive. "Step away from the ledge and do not put a damper on the negotiations," the judge advised. "Your highest and best hope is to negotiate, and to bring the property in compliance with the law."