

# Lagunitas man given time to save structures

By Anna Guth

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Amid fierce community support for tea purveyor David Lee Hoffman and his legendary Lagunitas property, a superior court judge is moving cautiously to address the problems posed by its dozens of unpermitted structures.

In a hearing late last month, Judge Paul Haakenson largely overruled the lawyer he appointed to help bring the property up to code, postponing any demolition and allowing Mr. Hoffman continued access to much of his property—with the exception of his teahouse, which will be roped off for the time being.

The property, which Mr. Hoffman calls “The Last Resort” and built as a model for sustainable living, features many Asian-inspired creations stemming from Mr. Hoffman’s trips to China to buy his choice pu-erh tea. But with its roughly 30 unpermitted structures and illegal gray and black water systems, the property has troubled the county for decades.

Judge Haakenson took over the case after Mr. Hoffman refused to comply with a 2012 court order that both levied \$226,672 in fines and mandated that he demolish all the illegal structures on the property at his own cost. In 2015, using a different tactic, Judge Haakenson placed the property under the control of a receiver tasked with bringing the property into compliance.

In the meantime, though Mr. Hoffman moved much of his tea business, the Phoenix Collection, to a brick-and-mortar shop in Lagunitas, he has continued to live and work—and, despite a court mandate, build—on the property. His fines have continued to mount: he has roughly \$350,000 pending on his property tax bill, reflecting the court’s administrative penalties, as well as a \$93,000 lien on the property from Bank of America to cover the costs of the receiver’s work.

At a hearing on Nov. 17, the receiver, attorney Paul Beatty, after two years spent consulting numerous federal permitting agencies and consultants, made his first report on the measures he wanted Mr. Hoffman to take to address “immediate health and safety concerns.” These included demolishing two buildings that encroach on Alta Avenue and roping off access to a variety of others—including Mr.

Hoffman's residence, storage shed, teahouse and workshop. He also proposed prohibiting Mr. Hoffman from having guests on the property.

Yet Judge Haakenson, responding to requests voiced by Mr. Hoffman's lawyer, Paul Smith, settled on an overall less impactful ruling—though he also made clear that his patience was wearing thin. “At some point this court has to say enough is enough,” he warned. “At some point we might be compelled to put a gate around the property, make Mr. Hoffman leave, let Mr. Beatty do his work.”

Under the tentative ruling, a large swath of one of Mr. Hoffman's two adjoining parcels will be roped off to remediate safety hazards. Mr. Hoffman will maintain access to his residence, workshop, storage shed and garden.

During the hearing, Mr. Smith, the attorney, effectively argued that the buildings themselves were not safety hazards, and that more precise fencing around elements like a retaining pond and a water feature could allow Mr. Hoffman to continue to live and work on the property.

Yet the judge did ultimately prohibit Mr. Hoffman's access to his teahouse—a roughly 600-square-foot building that serves as a ceremonial convening place for tea drinking—as it was deemed structurally unsound.

Additionally, rather than forcing him to demolish the two structures—a garage and a storage building—flagged by Mr. Beatty, Judge Haakenson allowed Mr. Hoffman the opportunity to provide plans and obtain the necessary permits to modify the structures so as to comply with the required setbacks. The receiver was instructed to oversee those modifications.

The judge was also amenable to Mr. Hoffman's request to hire his own consultants to evaluate all of the structures together—as opposed to the receiver's piecemeal approach—and prepare a comprehensive master plan to bring the property up to code. He clarified, however, that though Mr. Beatty could evaluate this plan once it was finished, the effort was not part of a formal court order and would not supersede the receiver's continued task of evaluating the property.

Lastly, Judge Haakenson emphasized that Mr. Hoffman was prohibited from any further construction on the property. That mandate has been in place since at least 2012, but at the judge's recent site visit, he walked onto wet concrete—clear evidence of Mr. Hoffman's continued expansions.

Mr. Smith, after the hearing, made clear that a compromise had also come together for the final ruling on the subject of guests. Although Mr. Hoffman will not be able to host organized tours or other large groups of people, his assistant can continue to work at the property, and friends and family can visit.

### **Support for the Last Resort**

Around 30 neighbors and friends joined Mr. Hoffman in the courtroom. Richard Lang, a neighbor and longtime friend, expressed relief at the outcome and spoke highly of the judge in particular. Judge Haakenson had visited the property in early November, and Mr. Lang felt he was starting to understand the significance of the Last Resort.

For Mr. Lang, his neighbor represents the spirit of West Marin in the '70s.

While the legal battle over Mr. Hoffman's property has simmered, community members and friends have been working on a way to acknowledge the historic significance of Mr. Hoffman's work.

John Torrey, a Lagunitas resident and advocate for the site's preservation, partnered with Mr. Hoffman in 2016 to apply for a designation of architectural significance from the Marin Architectural Commission.

The commission, a relatively new group created by the Board of Supervisors in 2015, provides a level of recognition for properties determined to be "essential to the cultural fabric of Marin."

Commissioner Bruce King, a structural engineer, told the Light in January that sites can be deemed significant if they are important to the historic, architectural or cultural importance or well-being of Marin.

A commission designation is not an endorsement of a site's structural safety, and it does not mean it must be preserved precisely as it is, Mr. King said. In fact, the owner of a property that the commission designates as significant is free to tear it down. But it does mean the property falls under the California Historic Building Code, which offers greater latitude in adhering to traditional code requirements.

In April, the commission unanimously voted to approve Mr. Hoffman's application. "We enthusiastically thought David Hoffman's house qualified. It's a walk-through sculptural garden," Mr. King told the Light at the time.

Yet within days of the commission's vote, the designation was

suspended—apparently because the application had not been filed properly with the receiver.

In a recent conversation, Mr. Torrey said he is still working to get the designation reinstated. “I’m pretty frustrated by this whole process,” he said. “The county is not listening to historic architects and is willfully ignorant of folk art environments such as what David has created. It’s time they listened to what the community wants. This is our county as much as it is theirs, and this is what we want in West Marin.”

Around 2,000 people signed a petition to the county back in 2012 in defense of the property, Mr. Torrey said, and another 1,500 signed a 2017 petition in support of reinstating the historic preservation status. The most recent court ruling will likely be finalized in the next few weeks. Judge Haakenson scheduled another hearing for March 29; at that time, Mr. Hoffman will provide a status report and the receiver will be welcome to give a report. Mr. Beatty, who is based in Southern California and has to travel to complete his duties, will continue evaluating the property and billing Mr. Hoffman for his time.

Mr. Hoffman, who is battling Lyme disease, said the prospect of rearranging his home life—in any capacity—was daunting. “I’m sorry all of this has made me an outlaw, but I’m proud I can tell my grandsons I did the best that I could,” he said. “I always believed that I was working on solutions, not creating a bigger problem. We can’t rely on government and big business to fix the problems in our world; we need people who understand the problem to do our part to make the planet a better place. The laws of nature just conflict with those that politicians make.”

*This article was corrected on Dec. 4, 2017.*