

BOBRA HEARING
2371 CORBY AVENUE, UNITS 13 AND 14
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BOBRA HEARING INTRODUCTION

HEARING DATED:

Good Morning/afternoon

My name is Michael J Reynolds. I have been employed by the City of Santa Rosa as a Code Enforcement Officer/ Building Inspector for 19 years. I am a Certified Building Inspector through ICC, the International Code Council as required per my employment.

I am the Code Enforcement Officer of record regarding File # CE18-0313 and 0314. I responded to a complaint to the City regarding substandard conditions.

The facts of the case are as follows:

City staff responded to complaints of substandard conditions. Inspection noted said conditions and ongoing unpermitted repair/corrections. Review of structures noted long-standing deferred maintenance and dilapidation noted to be possible direct path of water infiltration to building interiors creating deterioration, mold and other issues.

Owner was directed to obtain testing for mold and water infiltration determination, with proposed mitigations, and that permits were required for all repairs, corrections or alterations. Owner continued to attempt to demo interior finishes to remove contamination noted and photographed by staff.

BOBRA HEARING STAFF REPORT

For

BOBRA HEARING DATED:

FILE: CE18-0313 AND 0314

LOCATION: 2371 CORBY AVE, UNITS

13 & 14

RESPONSIBLE PARTY: CONTINENTAL LIFESTYLES, INC

CASE FACTS:

The following chronological facts support the Building and Code Compliance findings of violation:

12/15/2017 City receives complaint regarding property conditions and specifically Unit 2

03/01/2018 Staff receives a call and emailed pictures of conditions inside Unit 2

03/02/2018 Consent to Inspect mailed to owner

03/15/2018 Notice of Violation (NOV) mailed to owner

04/26/2018 Failure to Abate NOV (F2A) mailed to owner

05/16/2018 Notice of Noncompliance (NONC) recorded on property title

05/16/2018 Meeting with owner and attorney

05/18/2018 Administrative Notice and Order mailed to owner with notification of hearing date

Unit 13

04/03/2018 Inspection of unit notes violations

04/30/2018 NOV mailed to owner

05/17/2018 Failure to Abate NOV (F2A) mailed to owner

06/26/2018 Notice to Vacate posted onsite and mailed to owner

10/04/2018 B18-7144 permit obtain to remove contaminated interior finishes and abate

10/30/2018 B18-7735 permit obtained to restore dwelling unit for re-occupancy

BUILDING AND CODE ENFORCEMENT RECOMMENDATION:

Building and Code Compliance recommends that the Notice and Order to Vacate recommendations for relocation fees be upheld.



November 7, 2018

Senior Code Enforcement Officer:

DATE

Michael J. Reynolds
(707) 543-3462

File Log

Code Enforcement

PROJECT INFORMATION

FILE NUMBER: CE17-1001

STATUS: Admin Hearing

NEIGHBORHOOD:

ADDRESS: 2371 Corby Ave 2

PARCEL NO.: 043-053-055

ZONING: R-3-18

PRIORITY RATING: 2

VIOLATION AREA(s): Substandard Residential

ASSIGNED TO: Cecilia Sevilla

OWNER: Continental Lifestyles Inc
260 Fawn Dr
San Anselmo, Ca 94960

DESCRIPTION: leaks in ceiling, heater does not work, cockroaches and bedbugs, hot water heater is making funny noises, carpet smells bad
UPDATED 02/28/18: Burned out electric outlets, cockroach infestation, black mold in multiple rooms, non-functioning heater and thermostat hanging by the wall, crumbling window sill and windows

STATUS DATE INFORMATION

SUBMITTAL DATE: 12/15/2017

**ADMIN HEARING
DATE:**

DATE CLOSED:

INSPECTION INFORMATION

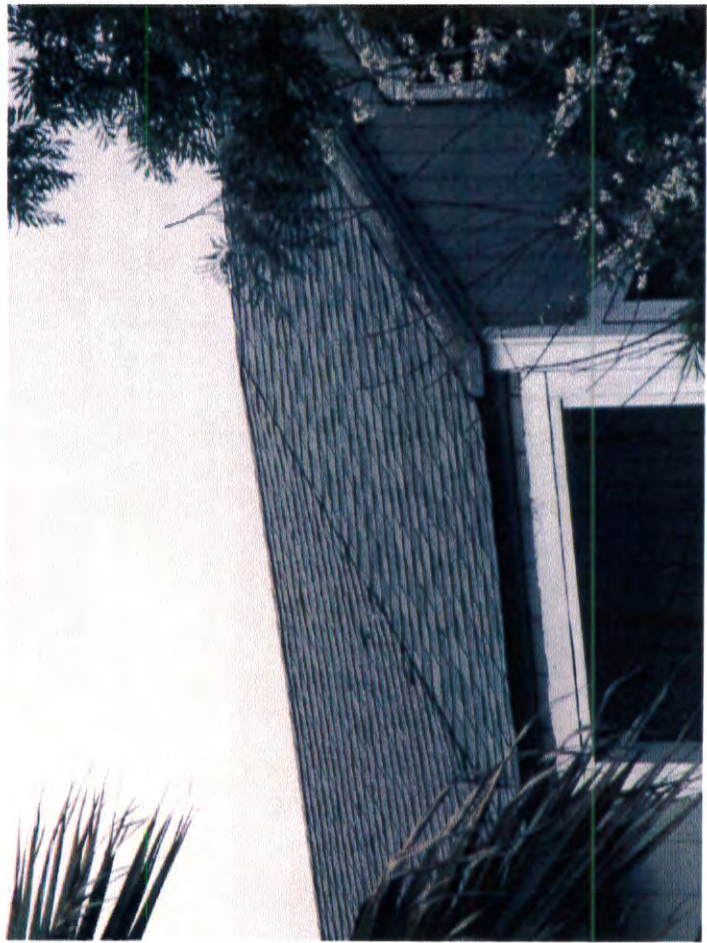
APN 043-053-055
2371 CORBY AVE
CE17-1001

Senior Code Enforcement Officer

Michael J Reynolds

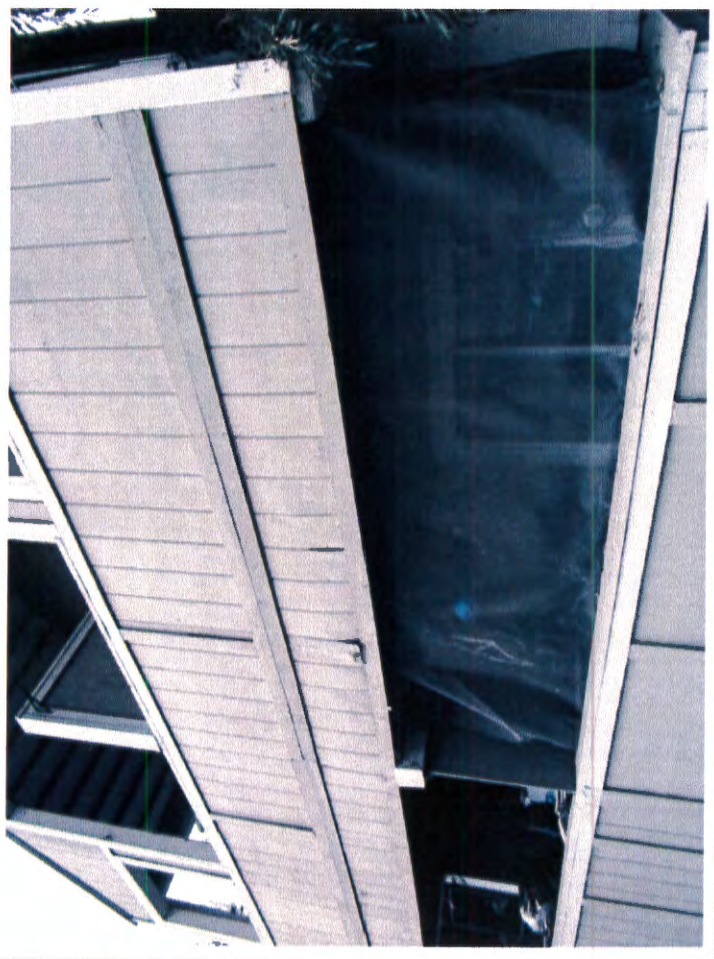
March 1, 2018





















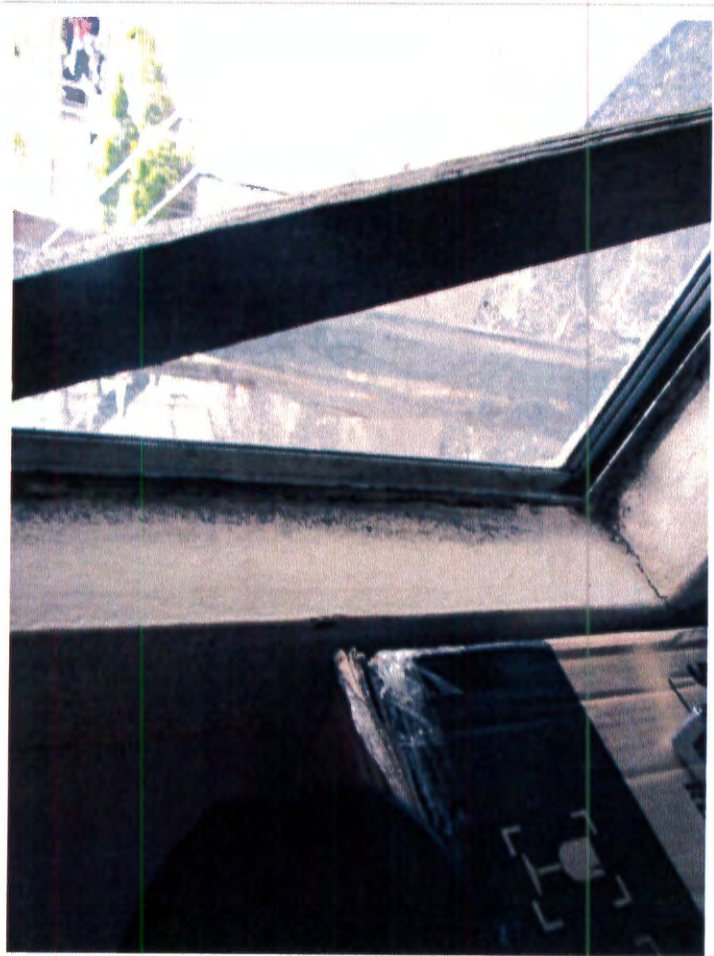


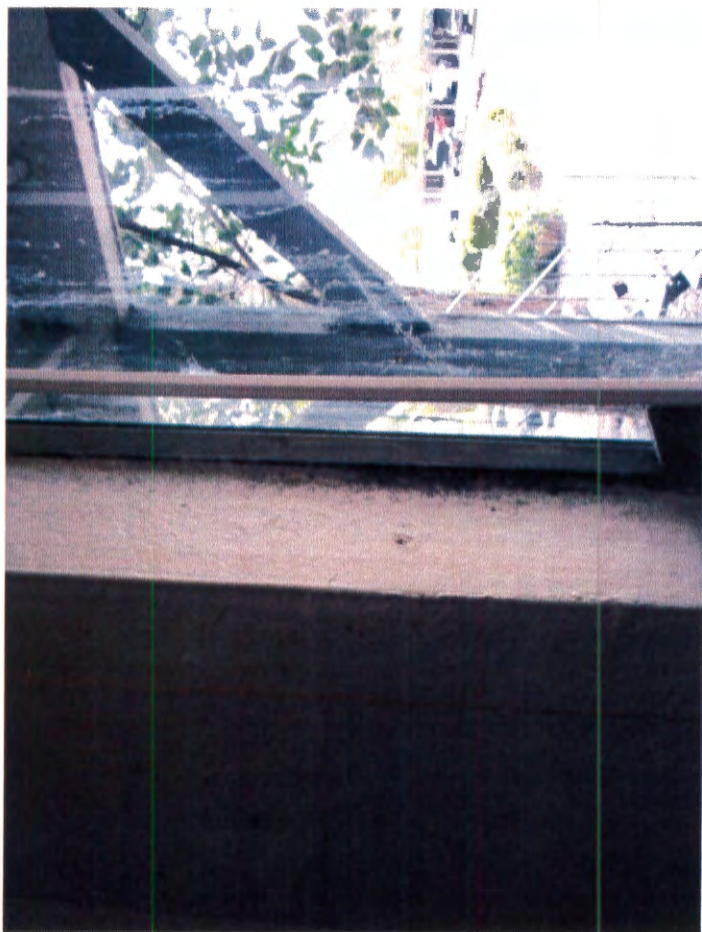


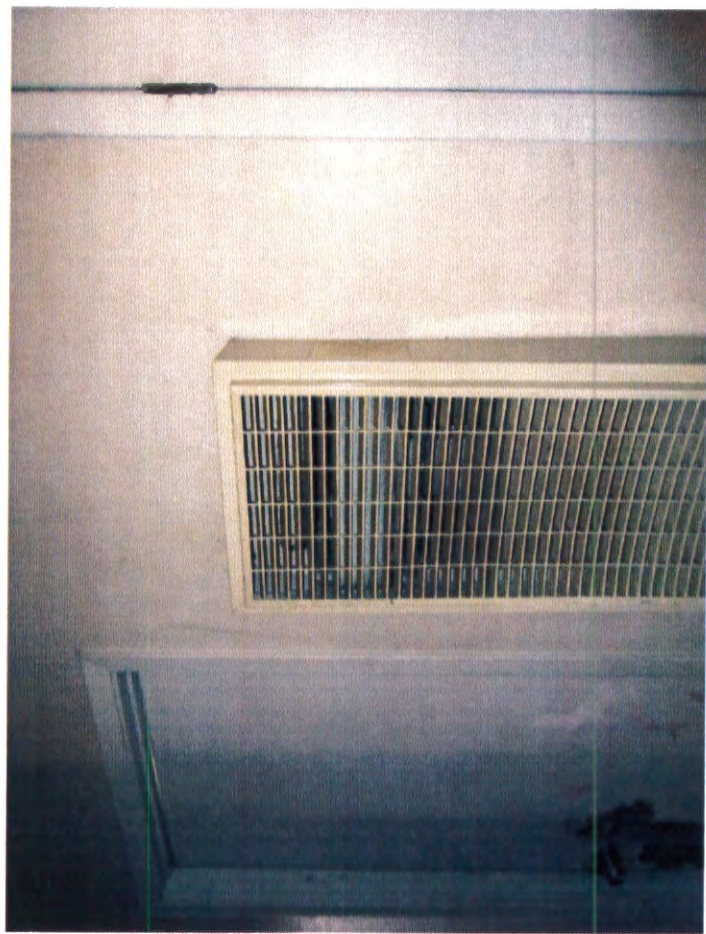






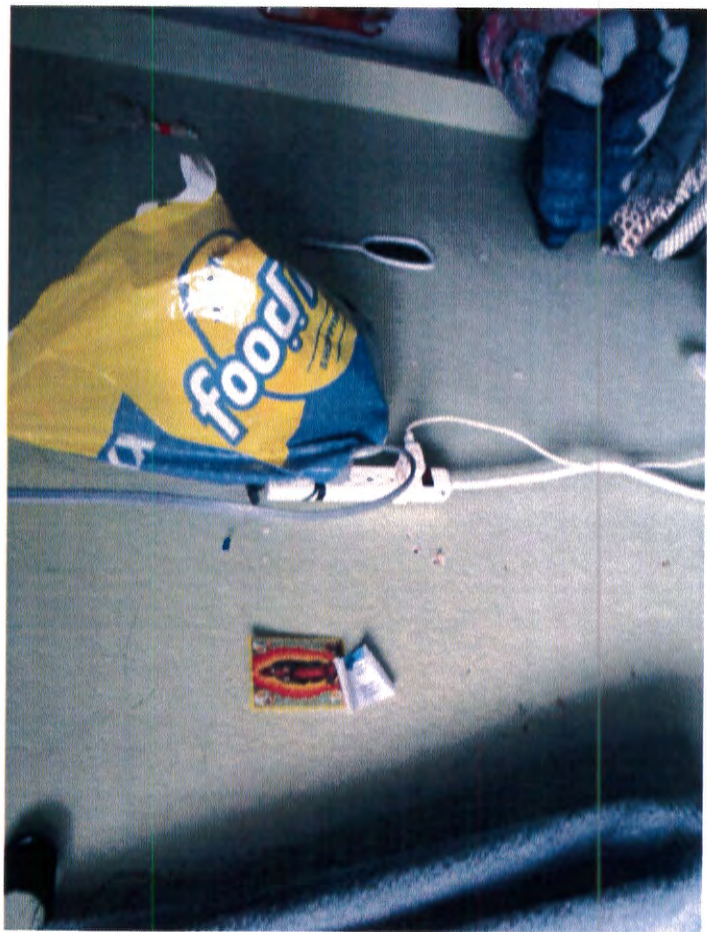


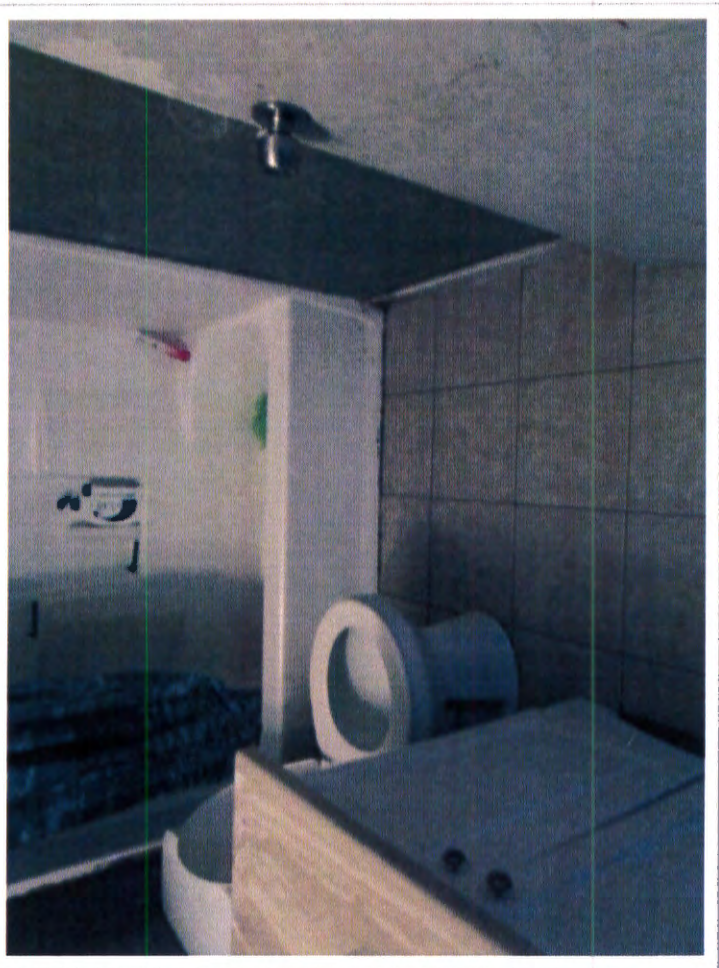






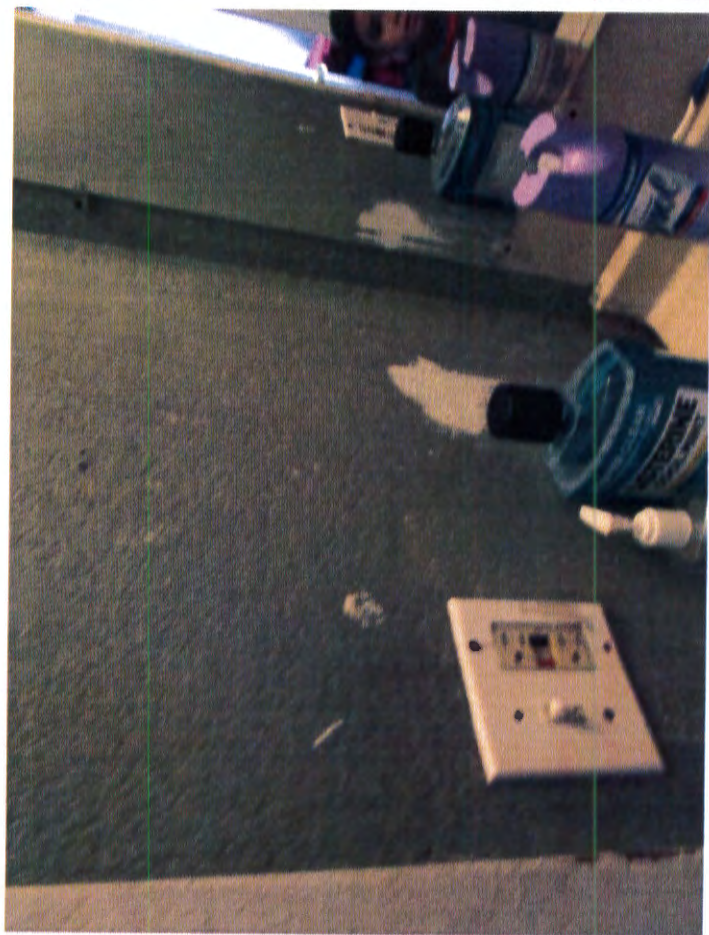














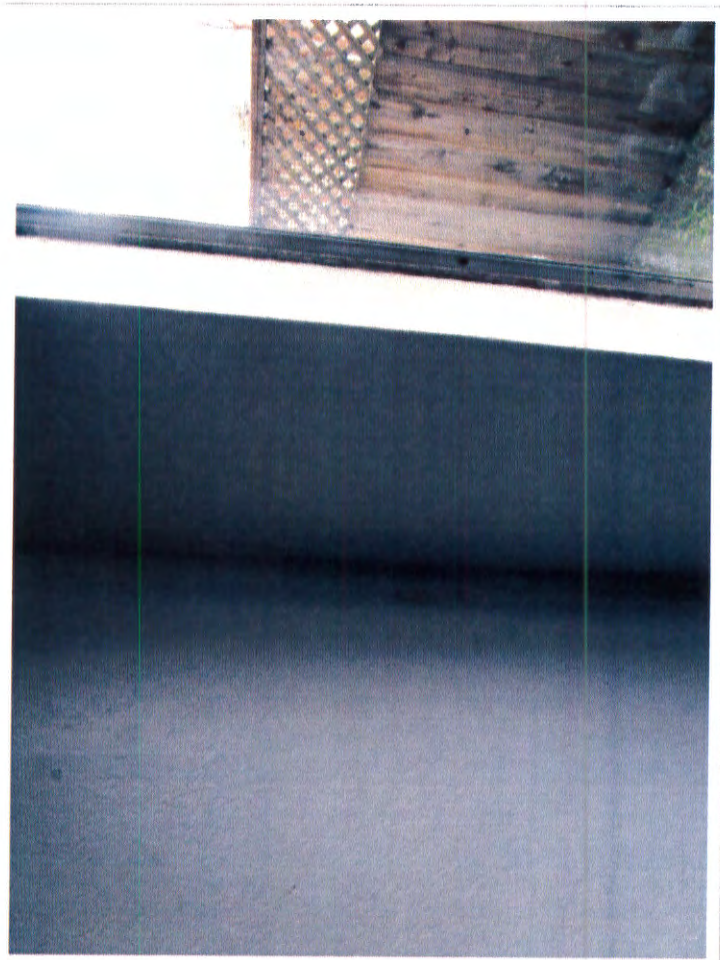




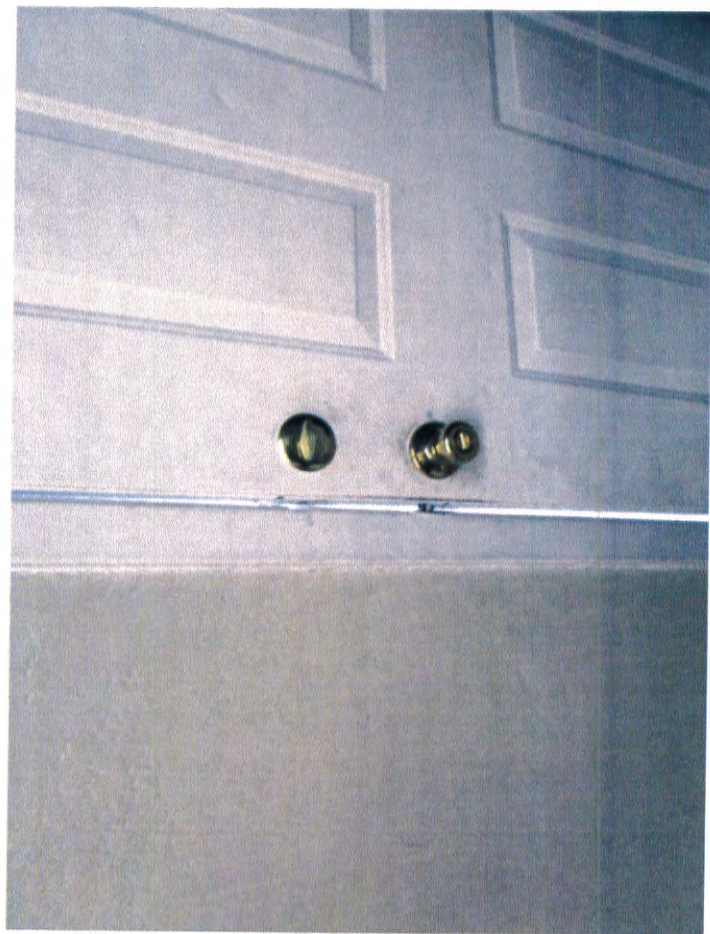




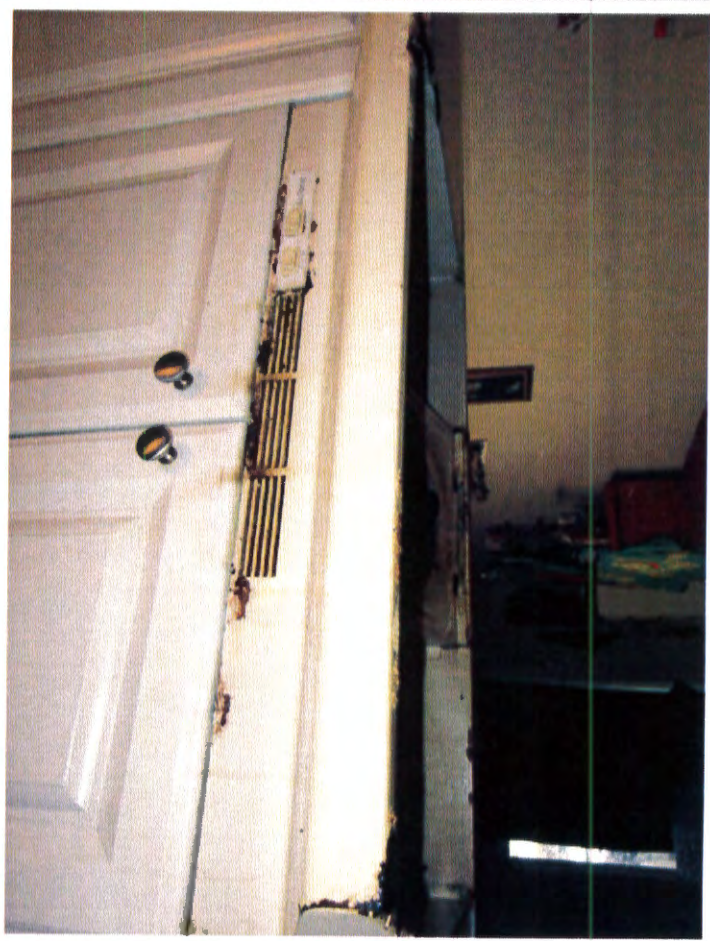


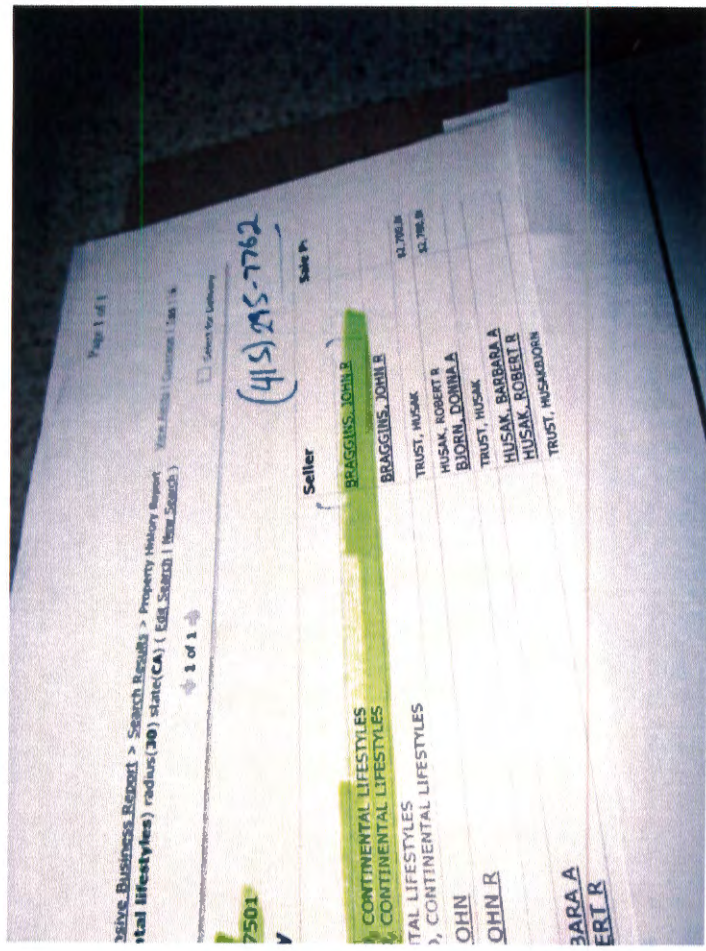












Business Profile

Executives: Current - 2 executive(s) found

NAME	TITLE	STATUS	FILING DATE
Breggins, John	- OWNER (02/1994 - 12/05/2017)		
Valdez, Karen M	- PRESIDENT (02/1994 - 12/05/2017)	N/A	09/30/2005

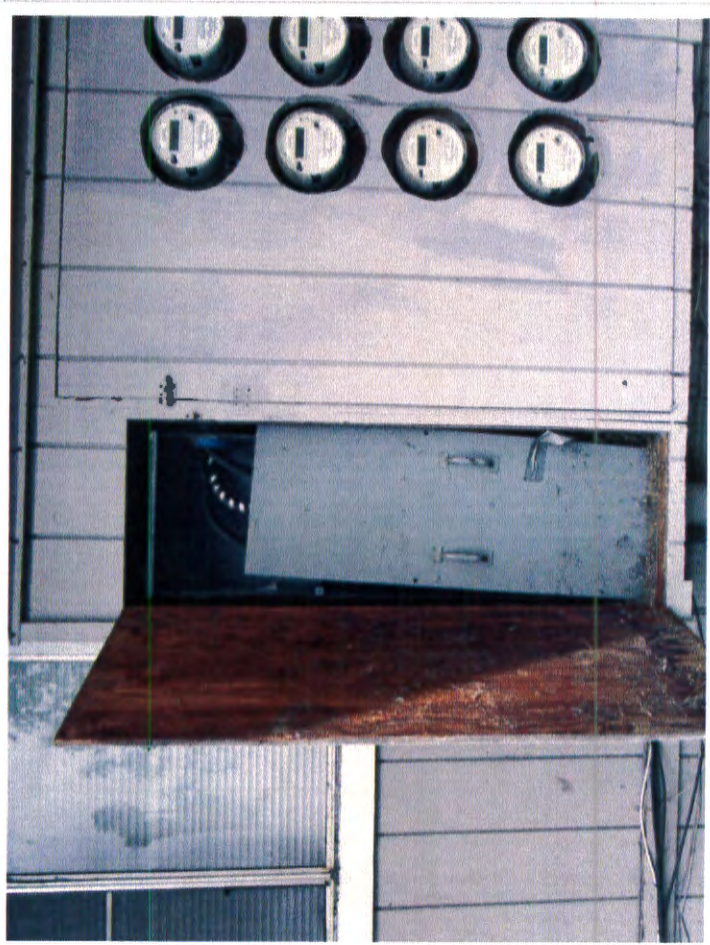
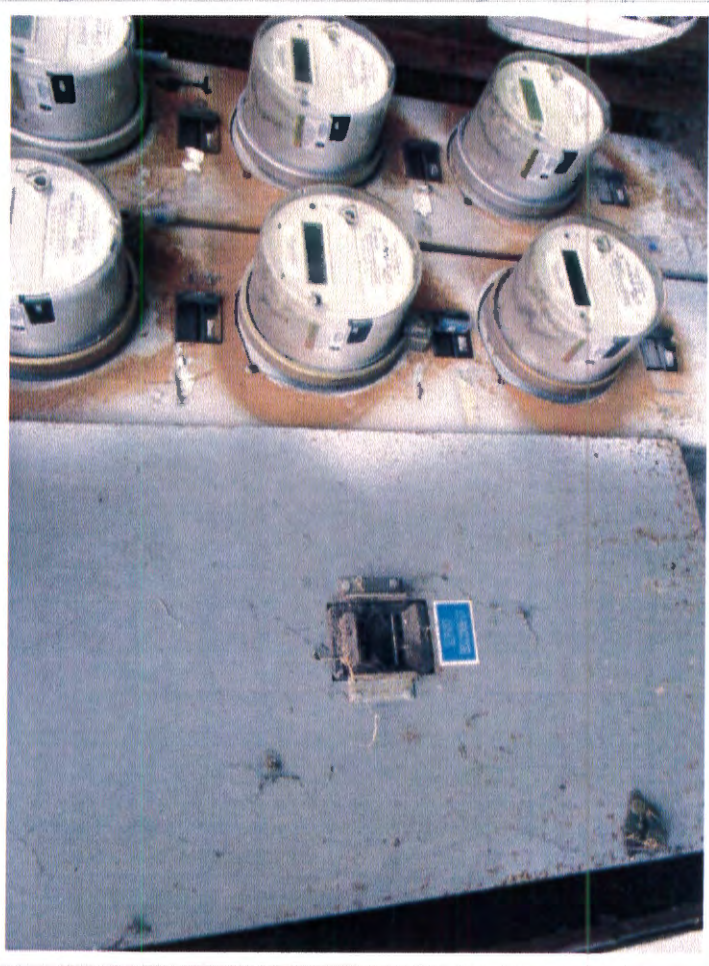
Corporation/SOS (0 active, 2 other)

NAME	FILING TYPE
LIFESTYLES INTERIORS	
Details	















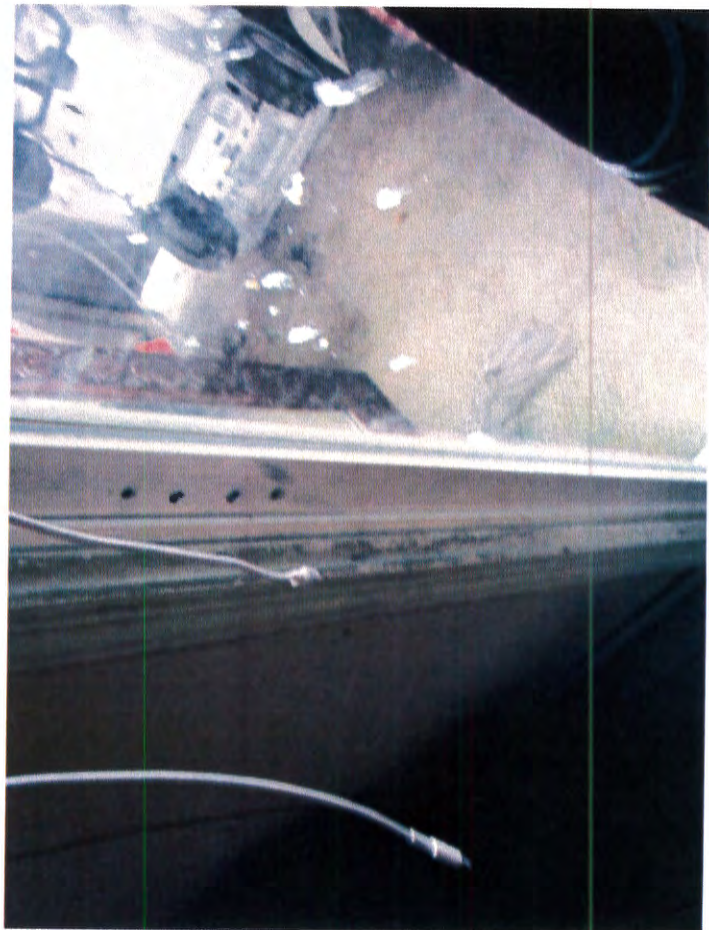
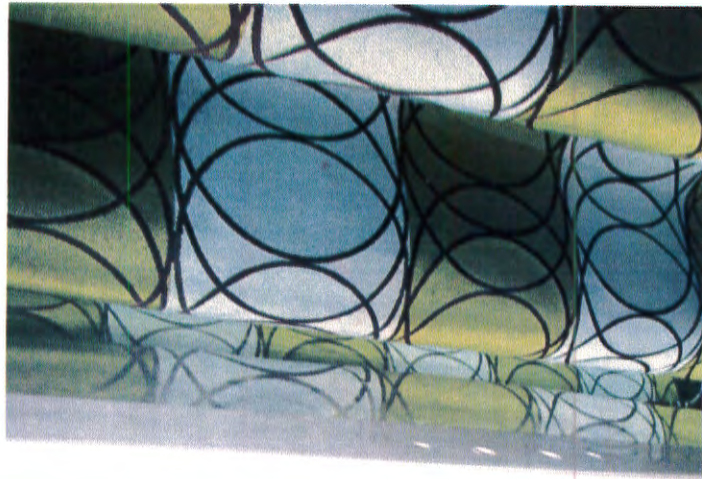


















March 2, 2018

Continental Lifestyles Inc
260 Fawn Drive
San Anselmo, CA 94960

CONSENT TO INSPECT

APN: 043-053-055 ZONE: R-3-18 FILE NO. CE17-1001

The Deputy Code Official for the City of Santa Rosa, or his duly authorized representative, hereby requests your consent to inspect, **within ten (10) days** of the date of this letter, the interior and exterior of all units on the property located at 2371 Corby Avenue for substandard conditions.

If your consent is provided, please sign below, provide a daytime telephone number where you can be contacted to arrange an inspection, and mail to:

Cecilia Sevilla
Code Enforcement Officer
City of Santa Rosa
90 Santa Rosa Avenue
Housing and Community Services
Santa Rosa, CA 95404

3/1/18
Date

[Signature]
Deputy Code Official or
Duly Authorized Representative
Phone Number: (707) 543-3184

OWNER OF RECORD/TENANT HEREBY CONSENTS TO AN ONSITE INSPECTION BY THE CODE ENFORCEMENT DIVISION

Name: _____ Phone: _____ Date: _____

Owner of record shall arrange with tenants for an onsite inspection at: 2371 Corby Avenue
Failure to authorize this inspection may cause the City of Santa Rosa to obtain an inspection warrant as authorized by law.



March 13, 2018

Continental Lifestyles Inc.
260 Fawn Drive
San Anselmo, CA 94960

NOTICE OF VIOLATION AT: 2371 CORBY AVENUE

APN: 043-053-055 ZONE: R-3-18 FILE NO: CE17-1001

An inspection of your property at 2371 Corby Avenue revealed the following violations of the Santa Rosa City Code (SRCC):

Exterior:

1. SRCC Sec. 18-20.301.1 Sanitation – Failure to maintain all exterior property and premises in clean, safe and sanitary condition,
2. SRCC Sec. 18-20.302.2 Grading and Drainage – Failure to prevent accumulation of stagnant water on property.
3. SRCC Sec. 18-20.304.1 Exterior Structure - Failure to maintain the exterior of structures in good repair, structurally sound and in sanitary condition so as not to pose a threat to the public health, safety or welfare.
4. SRCC Sec. 18-20.304.2 Exterior Protective Treatment – Failure to maintain all exterior surfaces in good condition.
5. SRCC Sec. 18-20.304.6 Exterior Walls – Failure to maintain all exterior walls free from holes, breaks, and loose or rotting materials; and weatherproof and appropriate surface coating to prevent deterioration.
6. SRCC Sec. 18-20.304.7 Roofs and Drainage – Failure to maintain roof(s) and flashing in a sound, tight condition and without defect that admits rain. Failure to maintain roof drainage, gutters and downspouts in good repair and free from obstructions. Roof water shall not be discharging in a matter that creates a public nuisance.
7. SRCC Sec. 18-20.304.10 Stairways, Decks, Porches and Balconies – Failure to maintain exterior stairways, decks porches and balconies in structurally sounds condition and in good repair.

8. SRCCS Sec. 18-20.304.12 Handrails and Guards - Failure to maintain every handrail and guard in good condition.
9. SRCC Sec. 18-20.304.13 Windows and Door Frames – Failure to maintain every window, door and frame in sound condition, good repair and weather tight.
10. SRCC Sec. 18-20.304.13.1 Glazing – Failure to maintain all glazing materials free from cracks and holes.
11. SRCC Sec. 18-304.13.2 Openable Windows – Failure to maintain every window in easily openable condition and capable of being held in position by window hardware.
12. SRCC Sec. 18-304.14 Insect Screens – Failure to maintain all required door and window screens.
13. SRCC Sec. 18-304.15 Doors – Failure to maintain all exterior doors, door assemblies and hardware in good condition.
14. SRCC Sec. 18-304.18 Building Security – Failure to maintain all door and window security hardware.

Unit 2

15. SRCC Sec. 18-20.305.1 Interior Structures – Failure to maintain the interior of the structure and equipment in good repair, structurally sound and in sanitary condition.
16. SRCC Sec. 18-20.305.3 Interior Surfaces – Failure to maintain all interior surfaces in good, clean and sanitary condition.
17. SRCC Sec. 18-20.309.1 Infestation – Failure to maintain all structures free from insect and rodent infestation.
18. SRCC Sec. 18-20.501.2 Owner Responsibility – Failure to provide and maintain plumbing facilities and fixtures in compliance with required codes.
19. SRCC Sec. 18-20.504.1 General Plumbing Systems and Fixtures – Failure to install and maintain all plumbing fixtures in working order.
20. SRCC Sec. 18-24.104.1 Plumbing Permits Required – Installation of gas-fired water heater without proper plans, approvals and permits.
21. SRCC Sec. 18-24.105.1 Plumbing Inspections Required – Installation of gas-fired water heater without required inspections.
22. SRCC Sec. 18-20.602.3 Heating Facilities, Heat Supply – Failure to maintain gas-fired wall heater to supply required heat to dwelling unit.

23. SRCC Sec. 18-20.604.1 Electrical Facilities Required – Failure to maintain electrical system in compliance with minimum code requirements.
24. SRCC Sec. 18-20.605.1 Electrical Equipment – Failure to maintain all electrical equipment, wiring and appliances in safe and approved manor/
25. CA H&S Code 17920.3 Substandard Building – Failure to maintain interior space free from dangerous mold growth.
26. SRCC Sec. 18-20.403.2 Bathrooms and Toilet Rooms - Lack of proper ventilation fan in bathroom.
27. SRCC Sec. 18-20.603.1 Mechanical Appliances - Failure to maintain dishwasher in proper working order.
28. SRCC Sec. 18-20.605.2 Receptacles - Failure to maintain electrical outlets proper installed.
29. SRCC Sec. 18-16.105.1 Building Permits Required – Installation of slider without proper plans, approvals and permits.
30. SRCC Sec. 18-16-110.1 Building Inspections Required – Installation of slider without required inspections.

You are hereby requested to complete the following for your property **within 14 days** of the date of this letter.

1. Obtain all necessary remediation permits.
2. Obtain all required permits and inspections.
3. Make all required corrections.
4. Retain services of exterminating company and provide a report **within 7 days** of the date of this letter.

You are further directed to: obtain a report for testing for mold (see below) **within 14 days** of the date of this letter. Failure to accomplish the aforementioned within the prescribed time period will result in legal proceedings, including but not limited to, the issuance of an infraction criminal complaint in Sonoma County Superior Court for failure to comply with the City of Santa Rosa Building Codes and Ordinances.

1. Provide a report for testing for mold from a certified assessment specialist within 14 days of this letter. The specialist must be certified by the American Council for Accredited Certification (ACAC) or another national, non-profit certifying body which is accredited by the Council of Engineering and Scientific Specialty Boards (CESB) and/or the American National Standards Institute under ANSI/ISO/IEC for inspection and testing of mold. ACAC provides a list of certified assessment specialists and remediation contractors by zip code at

3. Any mold remediation/abatement required must be done according to the work plan (protocol) provided by the certified assessment specialist, unless they determine that no plan is required. The remediation/abatement contractor must be certified by the ACAC or another national, non-profit certifying body which is accredited by the CESB and/or the American National Standards Institute under ANSI/ISO/IEC 27024.

Please provide a copy of the Mold and Remediation/abatement reports to:

The City of Santa Rosa Code Enforcement
Attn: Cecilia Sevilla
90 Santa Rosa Ave
Santa Rosa, CA 95404

Email: csevilla@srcity.org

Fax: (707) 543-3198

Permit applications and submittal information are available at Planning and Economic Development Department, 100 Santa Rosa Avenue, Room 3, from 8:00 a.m. - 4:30 p.m. Monday, Tuesday & Thursday, 10:30 a.m. - 4:30 p.m. Wednesday and 8:00 a.m. - 12:00 p.m. Friday.

An appointment with the code enforcement officer of record is mandatory at the time of compliance. Please call me at (707) 543-3184 before you come in to apply for permits to ensure that I am available to assist you, or to answer questions. If I am not available to take your telephone call, please leave a voice mail message with your name, address of violation, and a number where you can be reached. I look forward to the opportunity to assist you in bringing your property into compliance with the SRCC.

Your prompt attention and cooperation in this matter would be greatly appreciated.



Cecilia Sevilla
Code Enforcement Officer
Housing and Community Services

cc: File

Santa Rosa City Code (SRCC)

18-20.302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

18-20.302.2 Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

18-20.304.1 Exterior Structure. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare

18-20.304.2 Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

18-20.304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

18-20.304.7 Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

18-20.304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

18-20.304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

18-20.304.13 Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

18-20.304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes
18-20.304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

18-20.304.14 Insect screens. During the period from (date) to (date), every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

18-20.304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

18-20.304.18 Building security. Failure to provide devices designed to provide security for doors, windows or hatchways.

18-20-305.1 Interior Structure. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

18-20-305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

18-20.309.1 Infestation. Failure to keep all structures free from insect and rodent infestation.

18-20.501.2 Owner Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

18-20.504.1 Plumbing Fixtures General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

18-24.104.1 Plumbing Permits Required. It shall be unlawful for any person, firm, or corporation to make any installation, alteration, repair, replacement, or remodel any plumbing system regulated by this code except as permitted in Section 104.2, or to cause the same to be done without first obtaining a separate plumbing permit for each separate building or structure.

18-24.105.2 Plumbing Inspections Required. Plumbing systems for which a permit is required by this code shall be inspected by the authority having jurisdiction. No portion of any plumbing

system shall be concealed until inspected and approved. Neither the authority having jurisdiction nor the jurisdiction shall be liable for expense entailed in the removal or replacement of material required to permit inspection. When the installation of a plumbing system is complete, an additional and final inspection shall be made. Plumbing systems regulated by this code shall not be connected to the water, the energy fuel supply, or the sewer system until authorized by the authority having jurisdiction.

18-20.604.1 Facilities Required. Failure to provide every occupied building with an electrical system in compliance

18-20.605.1 Electrical Equipment Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner

CA H & S 17920.3. Substandard Building. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

18-20.403.2 403.2 Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

18-20.603.1 Mechanical Appliances. Failure to keep all mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances properly installed and maintained in a safe working condition, and capable of performing the intended function

18-20.605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

18-16.105.1 Building Permits Required. A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

18-16.110.1 Building Inspections Required. Construction of work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved

ACAC List

Name	Company	City	Phone	Certification
Edward Keith	North Bay Environmental Inc.	Santa Rosa	707-495-1360	CMRS
Eric Keith	Pacific IAQ LLC	Santa Rosa	707-546-2227	CIEC/CMC/CMRS
Michael Tierney	CI Environmental Consultants Inc.	Cotati	707-766-8501	CIE/CMC
William L. Davis	Redwood Empire Schools Insurance Group	Windsor	707-836-0779	CIEC
Edward Prokop Jr.	Indoor Air Sciences	Petaluma	707-769-2289	CIEC
David Osborn	Paul Davis Restoration-North Bay	Petaluma	707-782-1999	CMRS
Ruben Marcos Sanchez	RMS Environmental Inspections Svcs	Novato	415-893-9242	CIE
Shawn Rau	Dunn Environmental Svcs Inc.	Napa	707-312-1022	CIEC
Matthew Baker	A-Team Specialized Svcs Corp.	Cloverdale	707-291-2452	CEICS/CMR
Richard Bolmen	County of Marin	San Rafael	415-499-5056	CMC
Tony Eldon	Bay Mountain Environmental	San Rafael	415-479-7339	CIE
Robert Minton	Bay Cities Mold Inspection Services	Greenbrae	415-308-0702	CIE
Jeffrey Boris	Redwood Environmental Services	Tiburon	415-789-5511	CMC
Dan Bachlor	Performance Contracting Inc. and Performance Abatement Services	Richmond	510-932-0480	CMRS
Brian Ribarich Larry Ribarich	Arrowhead Home Inspection	Martinez	925-287-9326	CRMI
Alexander Stadtner	Healthy Building Science	San Francisco	415-785-7985	CIEC
David L. Sasse	Healthy Building Science	San Francisco	415-785-7986	CIE/CMI
Marlin Bryant	RGA Environmental	Emeryville	510-547-7771	CIEC
Nathan E. Suazo	Mold 911 Inspection Services	San Francisco	415-913-9455	CRMI
Steven M. Zivolich	Guaranteed Property Inspection Mold Investigation Inc.	Sebastopol	707-239-2601	CMC



SUBJECT	EFFECTIVE DATE	CODE SECTION	POLICY NUMBER
Code Investigation Response Policy Mold Infestation	February 2010 Revised July 2011	International Property Maintenance Code Sec. 104.3	2.5.26
			Page 1 of 2

PURPOSE:

The purpose of this policy is to identify code enforcement response to code investigation complaints of mold infestation of the interior and/or exterior of existing structures. The policy also identifies methods that code enforcement shall request testing and reports from a third-party outside consultant.

POLICY:

- Code investigation complaints of mold and mildew infestation will be investigated as a water intrusion or as a dampness of habitable rooms issue within existing structures. These types of complaints are identified as a Substandard Housing condition in existing structures per State of California Health and Safety Code Section 17920.3(11).
- The extent of mold infestation within a structure shall determine the need for testing and documentation.
 - Areas that have active sources of moisture generation, such as kitchens, bathrooms and laundry areas, with legal plumbing fixtures, will be reviewed for sources of moisture and evaluated for possible corrections and/or remedies to negate the continued growth of mold and/or mildew.
 - Complaints of mold and/or mildew growth associated with areas that do not have active sources of moisture generation such as bedrooms, closets and other living areas, without legal plumbing fixtures, may necessitate code enforcement staff to request proper testing and evaluation of possible mold growths by a professional retained by the owner, or any other responsible party associated with the property.
- Mold and microbial investigation, assessment, remediation, mitigation/abatement and consulting services shall be performed by individuals who the American Council for Accredited Certification (ACAC) or another national, non-profit certifying body which is accredited by the Council of Engineering and Scientific Specialty Boards (CESB) and/or the American National Standards Institute under ANSI/ISO/IEC 17024.
- Laboratories used to analyze mold related samples are recommended to be accredited by the American Industrial Hygiene Association (AIHA) or other industry recognized certifications (AIHA analyst registry, clinical laboratory scientist [State of California

Department of Health Services], ASCP registered (American Society For Clinical Pathology), etc.

- All laboratories must provide an industry recognized “Standard Operating Procedure” and the CV of analysts utilized for City of Santa Rosa projects upon request.
- Mitigation reports supplied by the certified assessment specialist shall determine the extent of repairs, and/or removal and replacement of interior and/or exterior wall finishes.
- Individuals shall not conduct mold or microbial remediation or abatement activities on any site for which they have conducted investigations, assessments or prepared remediation plans.

PROCEDURE:

- A violation of substandard conditions is reported or noted to the code enforcement section.
 1. A code enforcement case is initiated in Permits Plus with a full description of the complaint.
 2. A code enforcement officer is assigned to investigate.
- Code enforcement officer shall contact complainant and/or owner/responsible party to arrange an inspection of the structure.
- Code enforcement officer shall do a complete inspection of the interior and the exterior of the structure to determine extent of infestation of mold, as well as possible sources of moisture build-up or water intrusion.
- Code enforcement officer shall confer with senior code enforcement officer as to necessity of requiring the owner/responsible party to obtain services of certified assessment specialist to conduct testing to evaluate levels of existing mold, provide written results and a written mitigation plan to address removal of all contaminated material.
- Code enforcement officer shall confer with senior code enforcement officer to determine whether extent of infestation and/or water intrusion requires vacation of structure, or a portion thereof.
- Code enforcement officer shall notify owner/responsible party and tenant of steps necessary to obtain compliance; i.e. obtain services of certified assessment specialist; potential Notice and Order to Vacate the structure or a portion thereof; building permit requirements and inspections for demolition and/or repairs.

Michael K. Whitaker, Chief Building Official



April 26, 2018

Continental Lifestyles Inc
260 Fawn Drive
San Anselmo, CA 94960

NOTICE OF VIOLATION – FAILURE TO ABATE

PROPERTY AT: 2371 CORBY AVE, UNIT 2

APN: 043-053-055

ZONE: R-3-18

FILE NO: CE17-1001

The purpose of this letter is to inform you of the failure to abate the following violations of the Santa Rosa City Code (SRCC) at the above referenced property:

1. SRCC Sec. 18-20.301.1 Sanitation – Failure to maintain all exterior property and premises in clean, safe and sanitary condition,
2. SRCC Sec. 18-20.302.2 Grading and Drainage – Failure to prevent accumulation of stagnant water on property.
3. SRCC Sec. 18-20.304.1 Exterior Structure - Failure to maintain the exterior of structures in good repair, structurally sound and in sanitary condition so as not to pose a threat to the public health, safety or welfare.
4. SRCC Sec. 18-20.304.2 Exterior Protective Treatment – Failure to maintain all exterior surfaces in good condition.
5. SRCC Sec. 18-20.304.6 Exterior Walls – Failure to maintain all exterior walls free from holes, breaks, and loose or rotting materials; and weatherproof and appropriate surface coating to prevent deterioration.
6. SRCC Sec. 18-20.304.7 Roofs and Drainage – Failure to maintain roof(s) and flashing in a sound, tight condition and without defect that admits rain. Failure to maintain roof drainage, gutters and downspouts in good repair and free from obstructions. Roof water shall not be discharging in a matter that creates a public nuisance.
7. SRCC Sec. 18-20.304.10 Stairways, Decks, Porches and Balconies – Failure to maintain exterior stairways, decks porches and balconies in structurally sounds condition and in good repair.

90 Santa Rosa Avenue • Santa Rosa, California 95404
Phone: (707) 543-3198 • Fax: (707) 543-3317
www.srcity.org

8. SRCCS Sec. 18-20.304.12 Handrails and Guards - Failure to maintain every handrail and guard in good condition.
9. SRCC Sec. 18-20.304.13 Windows and Door Frames – Failure to maintain every window, door and frame in sound condition, good repair and weather tight.
10. SRCC Sec. 18-20.304.13.1 Glazing – Failure to maintain all glazing materials free from cracks and holes.
11. SRCC Sec. 18-304.13.2 Openable Windows – Failure to maintain every window in easily openable condition and capable of being held in position by window hardware.
12. SRCC Sec. 18-304.14 Insect Screens – Failure to maintain all required door and window screens.
13. SRCC Sec. 18-304.15 Doors – Failure to maintain all exterior doors, door assemblies and hardware in good condition.
14. SRCC Sec. 18-304.18 Building Security – Failure to maintain all door and window security hardware.

Unit 7

15. SRCC Sec. 18-20.305.1 Interior Structures – Failure to maintain the interior of the structure and equipment in good repair, structurally sound and in sanitary condition.
16. SRCC Sec. 18-20.305.3 Interior Surfaces – Failure to maintain all interior surfaces in good, clean and sanitary condition.
17. SRCC Sec. 18-20.309.1 Infestation – Failure to maintain all structures free from insect and rodent infestation.
18. SRCC Sec. 18-20.501.2 Owner Responsibility – Failure to provide and maintain plumbing facilities and fixtures in compliance with required codes.
19. SRCC Sec. 18-20.504.1 General Plumbing Systems and Fixtures – Failure to install and maintain all plumbing fixtures in working order.
20. SRCC Sec. 18-24.104.1 Plumbing Permits Required – Installation of gas-fired water heater without proper plans, approvals and permits.
21. SRCC Sec. 18-24.105.1 Plumbing Inspections Required – Installation of gas-fired water heater without required inspections.
22. SRCC Sec. 18-20.604.1 Electrical Facilities Required – Failure to maintain electrical system in compliance with minimum code requirements.
23. SRCC Sec. 18-20.605.1 Electrical Equipment – Failure to maintain all electrical equipment, wiring and appliances in safe and approved manor/

24. SRCC Sec. 18-20.403.2 Bathrooms and Toilet Rooms - Lack of proper ventilation fan in bathroom.
25. SRCC Sec. 18-20.603.1 Mechanical Appliances - Failure to maintain dishwasher in proper working order.
26. SRCC Sec. 18-20.605.2 Receptacles - Failure to maintain electrical outlets proper installed.
27. SRCC Sec. 18-16.105.1 Building Permits Required – Installation of slider without proper plans, approvals and permits.
28. SRCC Sec. 18-16-110.1 Building Inspections Required – Installation of slider without required inspections.

In order to clear the violations on this property, you must accomplish the following **within fourteen (14) days** of the date of this letter:

1. Obtain all necessary remediation permits.
2. Obtain all required permits and inspections.
3. Make all required corrections.

Failure to accomplish the aforementioned within the prescribed time period may result in legal proceedings, including but not limited to:

- (A) The issuance of an Administrative Civil Citation for failure to comply with City of Santa Rosa Building Codes and Ordinances. Citation penalties for each violation are as follows: First offense - \$100.00; Second offense - \$250.00; and Third and any subsequent offenses - \$500.00.
- (B) The issuance of an Administrative Hearing Notice and Order establishing a date for presentation of evidence of violations to a Hearing Officer. The administrative penalties may be assessed at a daily rate of \$500.00 for each violation. Penalties will accrue daily as long as the violation(s) exists. In addition, costs incurred by the City of Santa Rosa to obtain the corrections(s) of the violation(s) including the cost of the investigation, postage and filing fees, attorney's fees, abatement costs, and other related expenses may be imposed as penalty against you in addition to the daily accrual amount. Penalties are calculated through to the completion date of when the violation(s) have been corrected.

The administrative penalties may be assessed at a daily rate of \$500.00 for each violation. Penalties will accrue daily as long as the violation(s) exist(s). In addition, costs incurred by the City of Santa Rosa to obtain correction(s) of the violation(s) including the cost of the investigation, postage and filing fees, attorney's fees, abatement costs, and other related expenses may be imposed as penalty against you in addition to the daily accrual amount. Penalties are calculated through to the completion date of when the violation(s) have been corrected.

Enclosed, please find a Notice of Intent to Record a Notice of Noncompliance against the property title. In order to avoid having this Notice of Noncompliance recorded against the property title you must accomplish the aforementioned by May 10, 2018.

Please contact me regarding this matter immediately upon receipt of this letter. I can be reached at (707) 543-3184. If I am unable to take your telephone call, please leave a voicemail message with your name, address of violation, and a telephone number where you can be reached.

Your prompt attention and cooperation in this matter is greatly appreciated.



Cecilia Sevilla
Code Enforcement Officer
Housing & Community Services

cc: File
Tenant

Enc: Notice of Intent to Record Notice of Noncompliance

**NOTICE OF INTENT TO RECORD
NOTICE OF NONCOMPLIANCE**

**RE: Property Address: 2371 Corby Avenue
Assessor's Parcel Number: 043-053-055**

The following violation(s) of the Santa Rosa City Code (SRCC) have been identified in connection with the above parcel and/or structures thereon:

	SRCC Section(s)	Violation Description
☒	18-16.105.1	Failure to file an application for permit and submit plans, specifications, calculations and other data to the Building Division to determine conformity with the requirements of the California Building Code (CBC) and other pertinent City regulations.
☒	18-16.105.1 18-24.104.1	Failure to obtain permits and pay necessary fees associated with building, plumbing, mechanical and electrical permits prior to commencement of construction.
☒	18-16.110.1 18-24.105.2	Failure to have work inspected to assure compliance with requirements of the CBC.
☒	18-20.302.1	All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
☒	18-20.302.2	All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
☒	18-20.304.1	The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare
☒	18-20.304.2	All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from

		this requirement.
<input checked="" type="checkbox"/>	18-20.304.6	All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
<input checked="" type="checkbox"/>	18-20.304.7	The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
<input checked="" type="checkbox"/>	18-20.304.10	Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
<input checked="" type="checkbox"/>	18-20.304.12	Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
<input checked="" type="checkbox"/>	18-20.304.13	Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
<input checked="" type="checkbox"/>	18-20.304.13.1	All glazing materials shall be maintained free from cracks and holes
<input checked="" type="checkbox"/>	18-20.304.13.2	Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
<input checked="" type="checkbox"/>	18-20.304.14	During the period from (date) to (date), every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.
<input checked="" type="checkbox"/>	18-20.304.15	All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.
<input checked="" type="checkbox"/>	18-20.304.18	Failure to provide devices designed to provide security for doors, windows or hatchways.
<input checked="" type="checkbox"/>	18-20-305.1	The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.
<input checked="" type="checkbox"/>	18-20-305.3	All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
<input checked="" type="checkbox"/>	18-20.309.1	Failure to keep all structures free from insect and rodent infestation.

<input checked="" type="checkbox"/>	18-20.501.2	The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.
<input checked="" type="checkbox"/>	18-20.504.1	All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
<input checked="" type="checkbox"/>	18-20.604.1	Failure to provide every occupied building with an electrical system in compliance
<input checked="" type="checkbox"/>	18-20.605.1	All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
<input checked="" type="checkbox"/>	18-20.403.2 403.2	Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
<input checked="" type="checkbox"/>	18-20.603.1	Failure to keep all mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances properly installed and maintained in a safe working condition, and capable of performing the intended function
<input checked="" type="checkbox"/>	18-20.605.2	Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

This office intends to seek compliance with the law through legal process, including recording a **Notice of Noncompliance** against the above property with the Sonoma County Recorder. Pursuant to provisions of the SRCC Section 1-30.236.1, a **Notice of Noncompliance** will be recorded on the property title unless the aforementioned violations have been corrected or removed by the date specified and other applicable requirements, if any, have been satisfied.

A Party may require an Appeal Review with the Department Head or Designee of the issuing Code Enforcement Officer. An Appeal Review shall be an informal review by the Department Head or Designee to validate or dismiss a Notice of Noncompliance that has been proposed. A request for an Appeal Review shall be made in writing **within seven (7) days** of issuance of the Notice of Intent to record. This request shall be submitted to the Code Enforcement Officer who issued the Notice of Noncompliance and must include grounds on which a Responsible Party relies. The request must include any information that the Responsible Party desires considered in the Appeal Review.

The request for an Appeal Review shall not extend any compliance time period.

The Appeal Review shall be conducted by the "Appeal Review Authority", i.e., Department Head or Designee. If the Appeal Review Authority concludes that no code violation occurred or that the Responsible Party(ies) is/are not responsible for the violation, then the department head shall dismiss the proposal to file a Notice of Noncompliance.

The City must notify the Responsible Party(ies), in writing by mail, of the results of the Appeal Review **within seven (7) calendar days** of filing the written request for Appeal Review. The review shall be a final decision and is not subject to judicial review.



Cecilia Sevilla

Code Enforcement Officer/Building Inspector

4/26/18
Date

RECORDED AT REQUEST OF AND RETURN TO:
City of Santa Rosa
Division Code Compliance
90 Santa Rosa Avenue
Santa Rosa, CA 95404

"NO FEE REQUIRED"

(Govt. Code Sec. 6103 and 27383)
Recorded for the benefit of the
City of Santa Rosa

2018035580

Official Records Of Sonoma County
William F. Rousseau

05/16/2018 11:06 AM

Fee: \$ 0.00 8 Pages



CONFORMED COPY
Not Compared with Original

**HOUSING & COMMUNITY SERVICES
CITY OF SANTA ROSA**

**Division of Code Compliance
David Gouin
Director and Deputy Code Official**

**NOTICE OF NONCOMPLIANCE
(VIOLATION)**

Case No: CE17-1001

Code Officer: CCS

Re: Property Address:

2371 CORBY AVE, UNIT 2
SANTA ROSA, CA 95407

Assessor's Parcel Number:

043-053-055

Property Owner(s) and Address:

CONTINENTAL LIFESTYLES INC
260 FAWN DRIVE
SAN ANSELMO, CA 94960

Property Owner(s) as recorded in Document Number 2005125119, official Records of the County of Sonoma on August 24, 2005.

The following violation(s) of the Santa Rosa City Code (SRCC) have been identified in connection with the above parcel and/or structures thereon:

1. SRCC Sec. 18-20.301.1 Sanitation – Failure to maintain all exterior property and premises in clean, safe and sanitary condition,
2. SRCC Sec. 18-20.302.2 Grading and Drainage – Failure to prevent accumulation of stagnant water on property.
3. SRCC Sec. 18-20.304.1 Exterior Structure - Failure to maintain the exterior of structures in good repair, structurally sound and in sanitary condition so as not to pose a threat to the public health, safety or welfare.

4. SRCC Sec. 18-20.304.2 Exterior Protective Treatment – Failure to maintain all exterior surfaces in good condition.
5. SRCC Sec. 18-20.304.6 Exterior Walls – Failure to maintain all exterior walls free from holes, breaks, and loose or rotting materials; and weatherproof and appropriate surface coating to prevent deterioration.
6. SRCC Sec. 18-20.304.7 Roofs and Drainage – Failure to maintain roof(s) and flashing in a sound, tight condition and without defect that admits rain. Failure to maintain roof drainage, gutters and downspouts in good repair and free from obstructions. Roof water shall not be discharging in a matter that creates a public nuisance.
7. SRCC Sec. 18-20.304.10 Stairways, Decks, Porches and Balconies – Failure to maintain exterior stairways, decks porches and balconies in structurally sound condition and in good repair.
8. SRCCS Sec. 18-20.304.12 Handrails and Guards - Failure to maintain every handrail and guard in good condition.
9. SRCC Sec. 18-20.304.13 Windows and Door Frames – Failure to maintain every window, door and frame in sound condition, good repair and weather tight.
10. SRCC Sec. 18-20.304.13.1 Glazing – Failure to maintain all glazing materials free from cracks and holes.
11. SRCC Sec. 18-304.13.2 Openable Windows – Failure to maintain every window in easily openable condition and capable of being held in position by window hardware.
12. SRCC Sec. 18-304.14 Insect Screens – Failure to maintain all required door and window screens.
13. SRCC Sec. 18-304.15 Doors – Failure to maintain all exterior doors, door assemblies and hardware in good condition.
14. SRCC Sec. 18-304.18 Building Security – Failure to maintain all door and window security hardware.

Unit 7

15. SRCC Sec. 18-20.305.1 Interior Structures – Failure to maintain the interior of the structure and equipment in good repair, structurally sound and in sanitary condition.
16. SRCC Sec. 18-20.305.3 Interior Surfaces – Failure to maintain all interior surfaces in good, clean and sanitary condition.

17. SRCC Sec. 18-20.309.1 Infestation – Failure to maintain all structures free from insect and rodent infestation.
18. SRCC Sec. 18-20.501.2 Owner Responsibility – Failure to provide and maintain plumbing facilities and fixtures in compliance with required codes.
19. SRCC Sec. 18-20.504.1 General Plumbing Systems and Fixtures – Failure to install and maintain all plumbing fixtures in working order.
20. SRCC Sec. 18-24.104.1 Plumbing Permits Required – Installation of gas-fired water heater without proper plans, approvals and permits.
21. SRCC Sec. 18-24.105.1 Plumbing Inspections Required – Installation of gas-fired water heater without required inspections.
22. SRCC Sec. 18-20.604.1 Electrical Facilities Required – Failure to maintain electrical system in compliance with minimum code requirements.
23. SRCC Sec. 18-20.605.1 Electrical Equipment – Failure to maintain all electrical equipment, wiring and appliances in safe and approved manor/
24. SRCC Sec. 18-20.403.2 Bathrooms and Toilet Rooms - Lack of proper ventilation fan in bathroom.
25. SRCC Sec. 18-20.603.1 Mechanical Appliances - Failure to maintain dishwasher in proper working order.
26. SRCC Sec. 18-20.605.2 Receptacles - Failure to maintain electrical outlets proper installed.
27. SRCC Sec. 18-16.105.1 Building Permits Required – Installation of slider without proper plans, approvals and permits.
28. SRCC Sec. 18-16-110.1 Building Inspections Required – Installation of slider without required inspections.

	SRCC Section(s)	Violation Description
<input checked="" type="checkbox"/>	18-16.105.1	Failure to file an application for permit and submit plans, specifications, calculations and other data to the Building Division to determine conformity with the requirements of the California Building Code (CBC) and other pertinent City regulations.
<input checked="" type="checkbox"/>	18-16.105.1	Failure to obtain permits and pay necessary fees associated

	18-24.104.1	with building, plumbing, mechanical and electrical permits prior to commencement of construction.
<input checked="" type="checkbox"/>	18-16.110.1 18-24.105.2	Failure to have work inspected to assure compliance with requirements of the CBC.
<input checked="" type="checkbox"/>	18-20.302.1	All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
<input checked="" type="checkbox"/>	18-20.302.2	All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
<input checked="" type="checkbox"/>	18-20.304.1	The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare
<input checked="" type="checkbox"/>	18-20.304.2	All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
<input checked="" type="checkbox"/>	18-20.304.6	All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
<input checked="" type="checkbox"/>	18-20.304.7	The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

<input checked="" type="checkbox"/>	18-20.304.10	Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
<input checked="" type="checkbox"/>	18-20.304.12	Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
<input checked="" type="checkbox"/>	18-20.304.13	Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
<input checked="" type="checkbox"/>	18-20.304.13.1	All glazing materials shall be maintained free from cracks and holes
<input checked="" type="checkbox"/>	18-20.304.13.2	Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
<input checked="" type="checkbox"/>	18-20.304.14	During the period from (date) to (date), every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and very screen door used for insect control shall have a self-closing device in good working condition.
<input checked="" type="checkbox"/>	18-20.304.15	All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.
<input checked="" type="checkbox"/>	18-20.304.18	Failure to provide devices designed to provide security for doors, windows or hatchways.
<input checked="" type="checkbox"/>	18-20-305.1	The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.
<input checked="" type="checkbox"/>	18-20-305.3	All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

<input checked="" type="checkbox"/>	18-20.309.1	Failure to keep all structures free from insect and rodent infestation.
<input checked="" type="checkbox"/>	18-20.501.2	The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.
<input checked="" type="checkbox"/>	18-20.504.1	All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
<input checked="" type="checkbox"/>	18-20.604.1	Failure to provide every occupied building with an electrical system in compliance
<input checked="" type="checkbox"/>	18-20.605.1	All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
<input checked="" type="checkbox"/>	18-20.403.2 403.2	Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
<input checked="" type="checkbox"/>	18-20.603.1	Failure to keep all mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances properly installed and maintained in a safe working condition, and capable of performing the intended function
<input checked="" type="checkbox"/>	18-20.605.2	Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

The Property Owner was notified on April 26, 2018 pursuant to the provisions of the SRCC Section 18-16.104.3. This **Notice of Non-Compliance** has been caused to be recorded in the Office of the County Recorder, Sonoma County, California.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

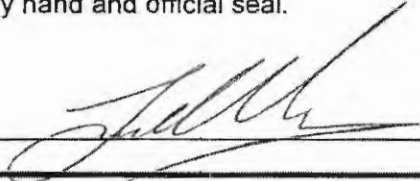
State of California
County of Sonoma)

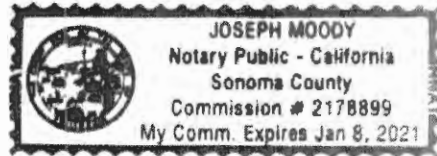
On May 16, 2018 before me, Joseph Moody, Notary Public
(insert name and title of the officer)

personally appeared David E. Gouin -----
who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)





ADMINISTRATIVE NOTICE AND ORDER

- 1-A. Responsible Party: Continental Lifestyles Inc
- 1-B. Address: 260 Fawn Drive
San Anselmo, CA 94960

2. Location of Violation: 2371 Corby Ave, Unit 2
Santa Rosa, CA 95407

3. Assessor Parcel Number: 043-053-055 Zoning District: R-3-18 File No:
CE17-1001

4. You are hereby notified that the property identified in the “location of violations” above is in violation of the Santa Rosa City Code and you are subject to administrative penalties pursuant to Chapter 1-30.

5. On March 1, 2018, the code enforcement officer observed violations of the following sections of the Santa Rosa City Code at the above referenced property:
 See attached **Appendix No. 5**, listing the violations and the facts supporting the violations.

6. The City has previously notified you of the above violation(s) by:
 See attached **Appendix No. 6**.

7. **YOU ARE HEREBY ORDERED** to correct the violation(s) by completing the following actions:
 As set forth in **Appendix No. 7-A**.

8. **YOU ARE FURTHER ORDERED** to make all correction(s) no later than June 10, 2018. Failure to comply with these Orders will result in mandatory penalties and costs.

9. **YOU ARE FURTHER ORDERED** to appear at the Administrative Hearing to determine whether penalties and costs should be imposed against you. The hearing is scheduled for June 20, 2018, at 1:00 p.m. in the City Council Chamber at 100 Santa Rosa Avenue, Santa Rosa, CA. Any penalties and costs assessed against you at this hearing may constitute a **special assessment lien** against the real property on which the violation occurred. In addition, your failure to comply with these Orders may result in additional penalties and costs being assessed against you.

10. **YOU ARE FURTHER ORDERED** to cease and desist from permitting the violation(s) from continuing or from repeating the existing or similar violations.

11. **YOU ARE FURTHER ORDERED** to pay the administrative penalties as shown on the Penalty Calculation Sheet, Attached as **Appendix No. 7-E**, by June 20, 2018. Payment should be made at :

[X] City Hall, 100 Santa Rosa Avenue, Room 3, in the Planning and Economic Development Department.

Administrative penalties begin to accrue from the first day following the date stated in item 8, above. The administrative penalties may be assessed at a daily rate up to \$500 for each violation. Penalties will accrue daily as long as the violation(s) exist(s). In addition, costs incurred by the City of Santa Rosa to obtain the correction(s) of the violation(s) including the cost of the investigation, postage and filing fees, attorney's fees, abatement costs, and other related expenses may be imposed as penalty against you in addition to the daily accrual amount.

12. WAIVER OF YOUR RIGHTS TO BE PRESENT AT THE ADMINISTRATIVE HEARING:

Failure to attend the hearing designated in item 9, above, shall constitute a waiver of your rights to an administrative hearing and an adjudication of the ADMINISTRATIVE NOTICE AND ORDER or any portion thereof.

If you fail, neglect, or refuse to obey the Order to pay administrative penalties, the unpaid balance shall constitute a personal obligation and/or a special assessment lien upon the real property. Failure to pay a personal obligation will cause the City to request the City Attorney to file a court action to recover these costs. Failure to pay a lien will cause the City to refer the lien to the County Auditor for collection in the same manner that ordinary municipal taxes are collected.

If you have any questions concerning this ADMINISTRATIVE NOTICE AND ORDER, you should contact the code enforcement officer who issued this order prior to the hearing date.

13. A copy of Article 4 of Santa Rosa City Code Chapter 1-30, regarding the Administrative hearing is enclosed for your information.

DATE: May 18, 2018

BY ORDER OF: 

Name: Cecilia Sevilla
Title: Code Enforcement Officer
Telephone: (707) 543-3184



The City of Santa Rosa does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Disability related aids or services, including printed information in alternate formats, to enable persons with disabilities to participate in public meetings and programs are available by calling (707) 543-3200 one week prior to the meeting.

Attachment to Item No. 9 of the Administrative Notice and Order

Article 4. Administrative Hearing Procedures.

1-30.070 Declaration of purpose.

The purpose of the hearing is to provide a review of the administrative notice and order by a hearing officer. The hearing officer shall only consider evidence that is relevant to the determination of facts contained in the administrative notice and order.

1-30.080 Hearing Officer.

- (A) The City Manager shall appoint one or more individuals as the hearing officer for an administrative hearing held pursuant to this Chapter.
- (B) The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of Administrative Notice and Order penalties upheld by the hearing officer.
- (C) The hearing officer shall not be a City employee or City official, whether elected or appointed.

1-30.090 Hearing procedures.

- (A) Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery need not apply. The City Manager or his/her designee may from time to time adopt procedures for the administrative hearing.
- (B) The City bears the burden of proof at an administrative hearing to establish the existence of a violation of the Santa Rosa City Code.
- (C) The burden of proof in an administrative hearing is to be supported by a preponderance of the evidence.
- (D) The hearing officer shall hear and consider all relevant evidence, including, but not limited to, applicable staff reports, oral, physical, and documentary evidence regarding the alleged violation, proposed method of abatement, and the administrative costs incurred by the City.
- (E) Each witness, prior to testifying, shall be sworn by the hearing officer or a clerk designated by the hearing officer.
- (F) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of the party's cause.
- (G) The failure of a responsible party named in an Administrative Notice and Order to appear at the Administrative Notice and Order hearing shall constitute a failure to exhaust the party's administrative remedies.
- (H) On its own motion or on the motion of either party, the hearing officer may continue the hearing for good cause, provided that notice is given to each party. The notice shall include the time, date and place to which the hearing is continued.
- (I) City staff has the right to withdraw any item from the administrative hearing agenda.

1-30.100

Hearing officers' decision.

- (A) After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall, within forty-five days, file a written decision with the code enforcement officer. The decision is to be entitled "Administrative Enforcement Order" and shall either uphold, modify, or cancel the Administrative Notice and Order as to each named responsible party. The decision shall list the finding in support of the decision and the imposition of any administrative fine or penalty.
- (B) The hearing officer shall serve the Administrative Enforcement Order on each party; when the Administrative Enforcement Order is served on the code enforcement officer, the order shall be final.
- (C) When the Administrative Enforcement Order cancels the administrative notice and order as to a responsible party; the case shall be terminated as to that party.
- (D) When the Administrative Enforcement Order upholds or modifies the Administrative Notice and Order as to one or more responsible parties, the hearing officer shall impose and assess not only the prescribed fine and/or penalty but also impose and assess administrative costs against each responsible party. When the Administrative Enforcement Order directs the abatement of a violation, including a nuisance, the violation may be corrected or abated as authorized within this Chapter or as otherwise permitted by law.
- (E) The Administrative Enforcement Order shall include notice to the responsible party that the penalties and the administrative costs may become the subject of a special assessment against the property where the violations occurred if payment is not received within thirty days of the date of the final order. The Administrative Enforcement Order shall also state the penalty for any late payment and that, if the violation continues, the responsible party may be subject to additional penalties authorized by law.
- (F) Failure to Commence Work. Whenever the required repair or demolition is not commenced within thirty days after any final administrative enforcement order issued under this chapter becomes effective:
 - (1) The Chief Building Official/code enforcement officer shall cause the building, structure, or other property described in such order to be vacated by posting at each entrance thereto a notice reading:

SUBSTANDARD BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Chief Building Official/Code Enforcement Officer

City of Santa Rosa.

- (2) No person shall occupy any building that has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal

ordered by the Chief Building Official/code enforcement officer have been completed and, where applicable, a certificate of occupancy issued pursuant to the provisions of the Building Code.

- (3) Enforcement Officers are authorized to enter upon any property or premises within the City to abate, repair, or demolish any building, structure, or other property pursuant to an administrative enforcement order. If an owner, occupant, or agent refuses permission to enter, inspect, abate, repair, or demolish any thing described in such order, the Chief Building Official/code enforcement officer may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 et. seq., as may be amended from time to time.
- (4) The Chief Building Official/code enforcement officer may, in addition to any other remedy herein provided, cause the building, structure, or other property to be repaired to the extent necessary to correct the conditions that render the building substandard as set forth in the administrative enforcement order; or, if the administrative enforcement order required demolition or abatement, to cause the building, structure, or other property to be sold and demolished; or, to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this chapter. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

1-30.110 Recovery of administrative notice and order penalties and costs.

The City may collect any past due penalty assessed in the Administrative Enforcement Order by all available legal means.

1-30.120 Limited appeal; right to judicial review.

Notwithstanding the provisions of Section 1094.5 or 1094.6 of the California Code of Civil Procedure, or Chapter 1-20 of the Santa Rosa City Code, within 20 days after service of the final administrative order or decision of the local agency is made pursuant to an ordinance enacted in accordance with California Government Code section 53069.4 regarding the imposition, enforcement or collection of the administrative fines or penalties, any person contesting the final administrative order or decision made pursuant to this chapter may seek review by filing an appeal to be heard by the superior court. The right to appeal is limited to the terms and conditions set out in Section 53069.4. In the event that a copy of the notice of appeal is served in person or by first-class mail upon the City of Santa Rosa by the contestant-appellant pursuant the appeal to the superior court, the time for payment shall be suspended from the date of said service until the judgment of the court is final.

1-30.130 Private right of action.

Any person, entity, association, or organization aggrieved by a willful violation of any provision of this chapter, where the owner(s) of a property has failed or refused to correct and/or abate a violation under this chapter for forty days after the Administrative Enforcement Order becomes final, shall have the right to file an action and/or proceeding for injunctive relief and damages against the owner(s) of such property. Any person, entity, association, or organization which prevails or is successful in any such action or proceeding shall be entitled, in addition to any other relief, to recover all reasonable costs, expenses and attorney's fees incurred in such action or proceeding. Treble damages also shall be awarded for such willful failure to comply with this chapter.

Pursuant to **Health and Safety Code 17980.7**.

If the owner fails to comply within a reasonable time with the terms of the order or notice issued pursuant to **Section 17980.6**, the following provisions shall apply:

- (a) The enforcement agency may seek and the court may order imposition of the penalties provided for under Chapter 6 (commencing with Section 17995).
- (b)
 - (1) The enforcement agency may seek and the court may order the owner to not claim any deduction with respect to state taxes for interest, taxes, expenses, depreciation, or amortization paid or incurred with respect to the cited structure, in the taxable year of the initial order or notice, in lieu of the enforcement agency processing a violation in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation **Code**.
 - (2) If the owner fails to comply with the terms of the order or notice to correct the condition that caused the violation pursuant to **Section 17980.6**, the court may order the owner to not claim these tax benefits for the following year.
- (c) The enforcement agency, tenant, or tenant association or organization may seek and the court may order, the appointment of a receiver for the substandard building pursuant to this subdivision. In its petition to the court, the enforcement agency, tenant, or tenant association or organization shall include proof that notice of the petition was served not less than three days prior to filing the petition, pursuant to Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the **Code** of Civil Procedure, to all persons with a recorded interest in the real property upon which the substandard building exists.
 - (1) In appointing a receiver, the court shall consider whether the owner has been afforded a reasonable opportunity to correct the conditions cited in the notice of violation.
 - (2) The court shall not appoint any person as a receiver unless the person has demonstrated to the court his or her capacity and expertise to develop and supervise a viable financial and construction plan for the satisfactory rehabilitation of the building. A court may appoint as a receiver a nonprofit organization or community development corporation. In addition to the duties and powers that may be granted pursuant to this section, the nonprofit organization or community development corporation may also apply for grants to assist in the rehabilitation of the building.

- (3) If a receiver is appointed, the owner and his or her agent of the substandard building shall be enjoined from collecting rents from the tenants, interfering with the receiver in the operation of the substandard building, and encumbering or transferring the substandard building or real property upon which the building is situated.
- (4) Any receiver appointed pursuant to this section shall have all of the following powers and duties in the order of priority listed in this paragraph, unless the court otherwise permits:
 - (A) To take full and complete control of the substandard property.
 - (B) To manage the substandard building and pay expenses of the operation of the substandard building and real property upon which the building is located, including taxes, insurance, utilities, general maintenance, and debt secured by an interest in the real property.
 - (C) To secure a cost estimate and construction plan from a licensed contractor for the repairs necessary to correct the conditions cited in the notice of violation.
 - (D) To enter into contracts and employ a licensed contractor as necessary to correct the conditions cited in the notice of violation.
 - (E) To collect all rents and income from the substandard building.
 - (F) To use all rents and income from the substandard building to pay for the cost of rehabilitation and repairs determined by the court as necessary to correct the conditions cited in the notice of violation.
 - (G) To borrow funds to pay for repairs necessary to correct the conditions cited in the notice of violation and to borrow funds to pay for any relocation benefits authorized by paragraph (6) and, with court approval, secure that debt and any moneys owed to the receiver for services performed pursuant to this section with a lien on the real property upon which the substandard building is located. The lien shall be recorded in the county recorder's office in the county within which the building is located.
 - (H) To exercise the powers granted to receivers under Section 568 of the Code of Civil Procedure.
- (5) The receiver shall be entitled to the same fees, commissions, and necessary expenses as receivers in actions to foreclose mortgages.
- (6) If the conditions of the premises or the repair or rehabilitation thereof significantly affect the safe and sanitary use of the substandard building by any tenant, to the extent that the tenant cannot safely reside in his or her unit, then the receiver shall provide relocation benefits in accordance with subparagraph (A) of paragraph (3) of subdivision (d).
- (7) The relocation compensation provided for in this section shall not preempt any local ordinance that provides for greater relocation assistance.
- (8) In addition to any reporting required by the court, the receiver shall prepare monthly reports to the state or local enforcement agency which shall contain information on at least the following items:
 - (A) The total amount of rent payments received.
 - (B) Nature and amount of contracts negotiated relative to the operation or repair of the property.
 - (C) Payments made toward the repair of the premises.
 - (D) Progress of necessary repairs.

- (E) Other payments made relative to the operation of the building.
 - (F) Amount of tenant relocation benefits paid.
- (9) The receiver shall be discharged when the conditions cited in the notice of violation have been remedied in accordance with the court order or judgment and a complete accounting of all costs and repairs has been delivered to the court. Upon removal of the condition, the owner, the mortgagee, or any lienor of record may apply for the discharge of all moneys not used by the receiver for removal of the condition and all other costs authorized by this section.
- (10) After discharging the receiver, the court may retain jurisdiction for a time period not to exceed 18 consecutive months, and require the owner and the enforcement agency responsible for enforcing Section 17980 to report to the court in accordance with a schedule determined by the court.
- (11) The prevailing party in an action pursuant to this section shall be entitled to reasonable attorney's fees and court costs as may be fixed by the court.
- (12) The county recorder may charge and collect fees for the recording of all notices and other documents required by this section pursuant to Article 5 (commencing with Section 27360) of Chapter 6 of Division 2 of Title 3 of the Government Code.
- (13) Nothing in this section shall be construed to limit those rights available to tenants and owners under any other provision of the law.
- (14) Nothing in this section shall be construed to deprive an owner of a substandard building of all procedural due process rights guaranteed by the California Constitution and the United States Constitution, including, but not limited to, receipt of notice of the violation claimed and an adequate and reasonable period of time to comply with any orders which are issued by the enforcement agency or the court.
- (d) If the court finds that a building is in a condition which substantially endangers the health and **safety** of residents pursuant to Section 17980.6, upon the entry of any order or judgment, the court shall do all of the following:
- (1) Order the owner to pay all reasonable and actual costs of the enforcement agency including, but not limited to, inspection costs, investigation costs, enforcement costs, attorney fees or costs, and all costs of prosecution.
 - (2) Order that the local enforcement agency shall provide the tenant with notice of the court order or judgment.
 - (3) (A) Order that if the owner undertakes repairs or rehabilitation as a result of being cited for a notice under this chapter, and if the conditions of the premises or the repair or rehabilitation thereof significantly affect the safe and sanitary use of the premises by any lawful tenant, so that the tenant cannot safely reside in the premises, then the owner shall provide or pay relocation benefits to each lawful tenant. These benefits shall consist of actual reasonable moving and storage costs and relocation compensation. The actual moving and storage costs shall consist of all of the following:
 - (i) Transportation of the tenant's personal property to the new location. The new location shall be in close proximity to the substandard premises, except where relocation to a new location beyond a close proximity is determined by the court to be justified.
 - (ii) Packing, crating, unpacking, and uncrating the tenant's personal property.

- (iii) Insurance of the tenant's property while in transit.
 - (iv) The reasonable replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person, his or her agent or employee) in the process of moving, where insurance covering the loss, theft, or damage is not reasonably available.
 - (v) The cost of disconnecting, dismantling, removing, reassembling, reconnecting, and reinstalling machinery, equipment, or other personal property of the tenant, including connection charges imposed by utility companies for starting utility service.
- (B) (i) The relocation compensation shall be an amount equal to the differential between the contract rent and the fair market rental value determined by the federal Department of Housing and Urban Development for a unit of comparable size within the area for the period that the unit is being repaired, not to exceed 120 days.
- (ii) If the court finds that a tenant has been substantially responsible for causing or substantially contributing to the substandard conditions, then the relocation benefits of this section shall not be paid to this tenant. Each other tenant on the premises who has been ordered to relocate due to the substandard conditions and who is not substantially responsible for causing or contributing to the conditions shall be paid these benefits and moving costs at the time that he or she actually relocates.
- (4) Determine the date when the tenant is to relocate, and order the tenant to notify the enforcement agency and the owner of the address of the premises to which he or she has relocated within five days after the relocation.
- (5) (A) Order that the owner shall offer the first right to occupancy of the premises to each tenant who received benefits pursuant to subparagraph (A) of paragraph (3), before letting the unit for rent to a third party. The owner's offer on the first right to occupancy to the tenant shall be in writing, and sent by first-class certified mail to the address given by the tenant at the time of relocation. If the owner has not been provided the tenant's address by the tenant as prescribed by this section, the owner shall not be required to provide notice under this section or offer the tenant the right to return to occupancy.
- (B) The tenant shall notify the owner in writing that he or she will occupy the unit. The notice shall be sent by first-class certified mail no later than 10 days after the notice has been mailed by the owner.
- (6) Order that failure to comply with any abatement order under this chapter shall be punishable by civil contempt, penalties under Chapter 6 (commencing with Section 17995), and any other penalties and fines as are available.
- (e) The initiation of a proceeding or entry of a judgment pursuant to this section or Section **17980.6** shall be deemed to be a "proceeding" or "judgment" as provided by paragraph (4) or (5) of subdivision (a) of Section 1942.5 of the Civil Code.
- (f) The term "owner," for the purposes of this section, shall include the owner, including any public entity that owns residential real property, at the time of the initial notice or order and any successor in interest who had actual or constructive knowledge of the notice, order, or prosecution.

- (g) These remedies shall be in addition to those provided by any other law.
- (h) Nothing in this section or in Section 17980.6 shall impair the rights of an owner exercising his or her rights established pursuant to Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code.

Additionally, pursuant to **Civil Code 1942.5**.

- (a) If the lessor retaliates against the lessee because of the exercise by the lessee of his rights under this chapter or because of his complaint to an appropriate agency as to tenantability of a dwelling, and if the lessee of a dwelling is not in default as to the payment of his rent, the lessor may not recover possession of a dwelling in any action or proceeding, cause the lessee to quit involuntarily, increase the rent, or decrease any services within 180 days of any of the following:
 - (1) After the date upon which the lessee, in good faith, has given notice pursuant to Section 1942, or has made an oral complaint to the lessor regarding tenantability.
 - (2) After the date upon which the lessee, in good faith, has filed a written complaint, or an oral complaint which is registered or otherwise recorded in writing, with an appropriate agency, of which the lessor has notice, for the purpose of obtaining correction of a condition relating to tenantability.
 - (3) After the date of an inspection or issuance of a citation, resulting from a complaint described in paragraph (2) of which the lessor did not have notice.
 - (4) After the filing of appropriate documents commencing a judicial or arbitration proceeding involving the issue of tenantability.
 - (5) After entry of judgment or the signing of an arbitration award, if any, when in the judicial proceeding or arbitration the issue of tenantability is determined adversely to the lessor. In each instance, the 180-day period shall run from the latest applicable date referred to in paragraphs (1) to (5), inclusive.
- (b) A lessee may not invoke subdivision (a) more than once in any 12-month period.
- (c) It is unlawful for a lessor to increase rent, decrease services, cause a lessee to quit involuntarily, bring an action to recover possession, or threaten to do any of those acts, for the purpose of retaliating against the lessee because he or she has lawfully organized or participated in a lessees' association or an organization advocating lessees' rights or has lawfully and peaceably exercised any rights under the law. In an action brought by or against the lessee pursuant to this subdivision, the lessee shall bear the burden of producing evidence that the lessor's conduct was, in fact, retaliatory.
- (d) Nothing in this section shall be construed as limiting in any way the exercise by the lessor of his or her rights under any lease or agreement or any law pertaining to the hiring of property or his or her right to do any of the acts described in subdivision (a) or (c) for any lawful cause. Any waiver by a lessee of his or her rights under this section is void as contrary to public policy.
- (e) Notwithstanding subdivisions (a) to (d), inclusive, a lessor may recover possession of a dwelling and do any of the other acts described in subdivision (a) within the period or periods prescribed therein, or within subdivision (c), if the notice of termination, rent increase, or other act, and any pleading or statement of issues in an arbitration, if any, states the ground upon which the lessor, in good faith, seeks to recover possession, increase rent, or do any of the other acts described in subdivision (a) or (c). If the statement is controverted, the lessor shall establish its truth at the trial or other hearing.

- (f) Any lessor or agent of a lessor who violates this section shall be liable to the lessee in a **civil** action for all of the following:
 - (1) The actual damages sustained by the lessee.
 - (2) Punitive damages in an amount of not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000) for each retaliatory act where the lessor or agent has been guilty of fraud, oppression, or malice with respect to that act.
- (g) In any action brought for damages for retaliatory eviction, the court shall award reasonable attorney's fees to the prevailing party if either party requests attorney's fees upon the initiation of the action.
- (h) The remedies provided by this section shall be in addition to any other remedies provided by statutory or decisional law.

APPENDIX NO. 5

VIOLATIONS AND FACTS

CODE SECTION VIOLATIONS:

Violation #1

SRCC Sec. 18-20.301.1 Sanitation – Failure to maintain all exterior property and premises in clean, safe and sanitary condition.

Violation #2

SRCC Sec. 18-20.302.2 Grading and Drainage – Failure to prevent accumulation of stagnant water on property.

Violation #3

SRCC Sec. 18-20.304.1 Exterior Structure - Failure to maintain the exterior of structures in good repair, structurally sound and in sanitary condition so as not to pose a threat to the public health, safety or welfare.

Violation #4

SRCC Sec. 18-20.304.2 Exterior Protective Treatment – Failure to maintain all exterior surfaces in good condition..

Violation #5

SRCC Sec. 18-20.304.6 Exterior Walls – Failure to maintain all exterior walls free from holes, breaks, and loose or rotting materials; and weatherproof and appropriate surface coating to prevent deterioration.

Violation #6

SRCC Sec. 18-20.304.7 Roofs and Drainage – Failure to maintain roof(s) and flashing in a sound, tight condition and without defect that admits rain. Failure to maintain roof drainage, gutters and downspouts in good repair and free from obstructions. Roof water shall not be discharging in a matter that creates a public nuisance.

Violation #7

SRCC Sec. 18-20.304.10 Stairways, Decks, Porches and Balconies – Failure to maintain exterior stairways, decks porches and balconies in structurally sounds condition and in good repair.

Violation #8

SRCCS Sec. 18-20.304.12 Handrails and Guards - Failure to maintain every handrail and guard in good condition.

Violation #9

SRCC Sec. 18-20.304.13 Windows and Door Frames – Failure to maintain every window, door and frame in sound condition, good repair and weather tight.

Violation #10

SRCC Sec. 18-20.304.13.1 Glazing – Failure to maintain all glazing materials free from cracks and holes.

Violation #11

SRCC Sec. 18-304.13.2 Openable Windows – Failure to maintain every window in easily openable condition and capable of being held in position by window hardware

Violation #12

SRCC Sec. 18-304.14 Insect Screens – Failure to maintain all required door and window screens.

Violation #13

SRCC Sec. 18-304.15 Doors – Failure to maintain all exterior doors, door assemblies and hardware in good condition.

Violation #14

SRCC Sec. 18-304.18 Building Security – Failure to maintain all door and window security hardware.

Unit 7

Violation #15

SRCC Sec. 18-20.305.1 Interior Structures – Failure to maintain the interior of the structure and equipment in good repair, structurally sound and in sanitary condition.

Violation #16

SRCC Sec. 18-20.305.3 Interior Surfaces – Failure to maintain all interior surfaces in good, clean and sanitary condition.

Violation #17

SRCC Sec. 18-20.309.1 Infestation – Failure to maintain all structures free from insect and rodent infestation.

Violation #18

SRCC Sec. 18-20.501.2 Owner Responsibility – Failure to provide and maintain plumbing facilities and fixtures in compliance with required codes.

Violation #19

SRCC Sec. 18-20.504.1 General Plumbing Systems and Fixtures – Failure to install and maintain all plumbing fixtures in working order.

Violation #20

SRCC Sec.18-24.104.1 Plumbing Permits Required – Installation of gas-fired water heater without proper plans, approvals and permits.

Violation #21

SRCC Sec. 18-24.105.1 Plumbing Inspections Required – Installation of gas-fired water heater without required inspections.

Violation #22

SRCC Sec. 18-20.604.1 Electrical Facilities Required – Failure to maintain electrical system in compliance with minimum code requirements.

Violation #23

SRCC Sec. 18-20.605.1 Electrical Equipment – Failure to maintain all electrical equipment, wiring and appliances in safe and approved manor.

Violation #24

SRCC Sec. 18-20.403.2 Bathrooms and Toilet Rooms - Lack of proper ventilation fan in bathroom.

Violation #25

SRCC Sec. 18-20.603.1 Mechanical Appliances - Failure to maintain dishwasher in proper working order.

Violation #26

SRCC Sec. 18-20.605.2 Receptacles - Failure to maintain electrical outlets proper installed.

Violation #27

SRCC Sec. 18-16.105.1 Building Permits Required – Installation of slider without proper plans, approvals and permits.

Violation #28

SRCC Sec. 18-16-110.1 Building Inspections Required – Installation of slider without required inspections.

APPENDIX NO. 6

The City has notified you of the violations referenced on Appendix No. 5 by:

1. Letter dated March 2, 2018 – Consent to Inspect
2. Letter dated March 13, 2018 – Notice of Violation
3. Notice dated March 20, 2018 – Notice and Order to Vacate
4. Letter dated April 26, 2018 – Failure to Abate
5. Document recorded May 15, 2018 – Notice of Noncompliance (violation)

APPENDIX NO. 7-A

ACTIONS NECESSARY TO CORRECT VIOLATIONS

1. Obtain all necessary remediation permits.
2. Obtain all required permits and inspections.
3. Make all required corrections.

TIME FRAME REQUIREMENTS

All work is to be completed and inspected by June 10, 2018.

PENALTY CALCULATION SHEET

Appendix No. 7-E

- 1a. Responsible Party: Continental Lifestyles Inc
1b. Address: 260 Fawn Drive
San Anselmo, CA 94960
2. Location of Violation in the City of Santa Rosa: 2371 Corby Ave, Unit 2
Santa Rosa, CA 95407
3. Assessor Parcel Number: 043-053-055 Zoning District: R-3-18
4. The penalty for an initial violation is up to **\$500.00** for **each day** the violation continues.
5. Date Violations were to be corrected: June 10, 2018
6. Date of Administrative Hearing: June 20, 2018
7. Number of Days between Line 5 and Line 6: 28 violations x \$500.00/day x 10 days = \$140,000.00
8. Administrative Costs = \$1,747.00 combined totals below.
See description beginning with item A, below.
- | | |
|---|-------------------|
| A. Letters, meetings, hearing preparation 2 hr(s). @ \$176.00/hr. = | \$ 352.00 |
| B. 5 site visit(s) 1 hr(s). @ \$176.00/hr. = | \$ 880.00 |
| C. Senior Administrative Assistant -2 hr(s). @ \$165.00/hr. = | \$ 330.00 |
| D. Senior Code Enforcement Officer - 1 hr(s). @\$185.00/hr. = | \$ 185.00 |
| E. Administrative Costs: | \$1,747.00 |
9. A. Penalty from line 7: \$140,000.00
B. Costs from line 8: \$ 1,747.00
C. Total Assessment: \$141,747.00
10. Administrative Hearing Time for Code Enforcement Officers _____ hr(s). @ \$174.00/hr. = \$ _____ (to be added by Hearing Officer after hearing)

Date: May 18, 2018

BY ORDER OF: _____



Name: Cecilia Sevilla
Title: Code Enforcement Officer
Telephone: 707-543-3184

CERTIFICATE OF SERVICE

I am employed in the County of Sonoma, State of California. I am over the age of 18 years and not a party to the within action. My business address is City Hall, 100 Santa Rosa Avenue, Santa Rosa, California.

On May 18, 2018, I served the attached:

ADMINISTRATIVE NOTICE AND ORDER

for

2371 Corby Ave, Unit 2
Santa Rosa, CA 95407

On the following parties to this action by placing a true copy therein in a sealed envelope addressed as follows:

Continental Lifestyles Inc
260 Fawn Drive
San Anselmo, CA 94960


2371 Corby Ave, Unit 2
Santa Rosa, CA 95407

[X] (BY CERTIFIED AND REGULAR MAIL) I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practice of the Santa Rosa Building and Code Compliance Division for processing correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 18, 2018, Santa Rosa, California.

Joseph Moody

(Type or print name)

(Signature) 



April 30, 2018

Continental Lifestyles Inc.
260 Fawn Drive
San Anselmo, CA 94960

NOTICE OF VIOLATION AT: 2371 CORBY AVENUE, SANTA ROSA UNIT 13

APN: 043-053-055 ZONE: R-3-18 FILE NO: CE18-0313

An inspection of your property at 2371 Corby Avenue, Unit 13 revealed the following violations of the Santa Rosa City Code (SRCC):

1. SRCC Sec. 18-20.305.1 Interior Structures – Failure to maintain the interior of the structure and equipment in good repair, structurally sound and in sanitary condition. The window sills have water damage and dry rot and holes. The counters in the kitchen and bathroom are not securely installed. There is softening at the shower/tub surround.
2. SRCC Sec. 18-20.305.3 Interior Surfaces – Failure to maintain all interior surfaces in good, clean and sanitary condition. There is a crack at the shower/tub surround.
3. SRCC Sec. 18-20.305.4 Walking Surfaces. Failure to maintain walking surfaces in good repair. There is a hole in the bedroom.
4. SRCC Sec. 18-20.605.1 Electrical Equipment – Failure to maintain all electrical equipment, wiring and appliances in safe and approved manner.
5. SRCC Sec. 18-20.605.2 Receptacles - Failure to maintain electrical outlets proper installed.
6. CA H&S Code 17920.3 Substandard Building – Failure to maintain interior space free from dangerous mold growth.
7. SRCC Sec. 18-20.403.2 Bathrooms and Toilet Rooms - Lack of proper ventilation fan in bathroom.
8. SRCC Sec. 18-20.603.1 Mechanical Appliances - Failure to maintain dishwasher in proper working order.
9. SRCC Sec. 18-20.304.14 Insect screens. Insect screens are missing at windows.

90 Santa Rosa Avenue • Santa Rosa, California 95404
Phone: (707) 543-3198 • Fax: (707) 543-33317
www.srcity.org

10. SRCC Sec. 18-20.704.1 Fire Protection Systems. Smoke alarms are missing in bedrooms/hallway/living room.
11. SRCC Sec. 18-20.309.1 Pest Elimination. There is a roach and mice infestation in the unit.
12. SRCC Sec. 18-20.602.3 Heating Systems. The wall heater does not work properly.
13. SRCC Sec. 18-20.504.1 General Plumbing Systems and Fixtures – Failure to install and maintain all plumbing fixtures in working order. The kitchen sink is leaking.
14. SRCC Sec. 18-20.304.18.1 Doors. All doors must be kept in operable condition with hardware kept maintained and intact.

You are hereby requested to complete the following for your property **within 14 days** of the date of this letter.

1. Obtain all necessary remediation permits.
2. Obtain all required permits and inspections.
3. Make all required corrections.

You are further directed to: obtain a report for testing for mold (see below) **within 14 days** of the date of this letter. Failure to accomplish the aforementioned within the prescribed time period will result in legal proceedings, including but not limited to, the issuance of an infraction criminal complaint in Sonoma County Superior Court for failure to comply with the City of Santa Rosa Building Codes and Ordinances.

1. Provide a report for testing for mold from a certified assessment specialist within 14 days of this letter. The specialist must be certified by the American Council for Accredited Certification (ACAC) or another national, non-profit certifying body which is accredited by the Council of Engineering and Scientific Specialty Boards (CESB) and/or the American National Standards Institute under ANSI/ISO/IEC for inspection and testing of mold. ACAC provides a list of certified assessment specialists and remediation contractors by zip code at www.acac.org/locator/certzip.htm. Prior to testing, please have your assessment specialist call me at (707) 543-3184 and provide certification documentation.
2. Identify the source of water intrusion and obtain permits to correct that source and all identified violations.
3. Any mold remediation/abatement required must be done according to the work plan (protocol) provided by the certified assessment specialist, unless they determine that no plan is required. The remediation/abatement contractor must be certified by the ACAC or another national, non-profit certifying body which is accredited by the CESB and/or the American National Standards Institute under ANSI/ISO/IEC 27024.

Please provide a copy of the Mold and Remediation/abatement reports to:

The City of Santa Rosa Code Enforcement
Attn: Cecilia Sevilla
90 Santa Rosa Ave
Santa Rosa, CA 95404

Email: csevilla@srcity.org
Fax: (707) 543-3198

Permit applications and submittal information are available at Planning and Economic Development Department, 100 Santa Rosa Avenue, Room 3, from 8:00 a.m. - 4:30 p.m. Monday, Tuesday & Thursday, 10:30 a.m. - 4:30 p.m. Wednesday and 8:00 a.m. - 12:00 p.m. Friday.

An appointment with the code enforcement officer of record is mandatory at the time of compliance. Please call me at (707) 543-3184 before you come in to apply for permits to ensure that I am available to assist you, or to answer questions. If I am not available to take your telephone call, please leave a voice mail message with your name, address of violation, and a number where you can be reached. I look forward to the opportunity to assist you in bringing your property into compliance with the SRCC.

Your prompt attention and cooperation in this matter would be greatly appreciated.



Cecilia Sevilla
Code Enforcement Officer
Housing and Community Services

cc: File

Santa Rosa City Code (SRCC)

18-20.302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

18-20.302.2 Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

18-20.304.1 Exterior Structure. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare

18-20.304.2 Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

18-20.304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

18-20.304.7 Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

18-20.304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

18-20.304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

18-20.304.13 Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

18-20.304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes
18-20.304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

18-20.304.14 Insect screens. During the period from (date) to (date), every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

18-20.304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

18-20.304.18 Building security. Failure to provide devices designed to provide security for doors, windows or hatchways.

18-20-305.1 Interior Structure. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

18-20-305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

18-20.309.1 Infestation. Failure to keep all structures free from insect and rodent infestation.

18-20.501.2 Owner Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

18-20.504.1 Plumbing Fixtures General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

18-24.104.1 Plumbing Permits Required. It shall be unlawful for any person, firm, or corporation to make any installation, alteration, repair, replacement, or remodel any plumbing system regulated by this code except as permitted in Section 104.2, or to cause the same to be done without first obtaining a separate plumbing permit for each separate building or structure.

18-24.105.2 Plumbing Inspections Required. Plumbing systems for which a permit is required by this code shall be inspected by the authority having jurisdiction. No portion of any plumbing

system shall be concealed until inspected and approved. Neither the authority having jurisdiction nor the jurisdiction shall be liable for expense entailed in the removal or replacement of material required to permit inspection. When the installation of a plumbing system is complete, an additional and final inspection shall be made. Plumbing systems regulated by this code shall not be connected to the water, the energy fuel supply, or the sewer system until authorized by the authority having jurisdiction.

18-20.604.1 Facilities Required. Failure to provide every occupied building with an electrical system in compliance

18-20.605.1 Electrical Equipment Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner

CA H & S 17920.3. Substandard Building. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

18-20.403.2 403.2 Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

18-20.603.1 Mechanical Appliances. Failure to keep all mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances properly installed and maintained in a safe working condition, and capable of performing the intended function

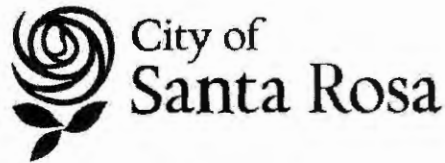
18-20.605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

18-16.105.1 Building Permits Required. A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure.

18-16.110.1 Building Inspections Required. Construction of work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved

ACAC List

Name	Company	City	Phone	Certification
Edward Keith	North Bay Environmental Inc.	Santa Rosa	707-495-1360	CMRS
Eric Keith	Pacific IAQ LLC	Santa Rosa	707-546-2227	CIEC/CMC/CMRS
Michael Tierney	CI Environmental Consultants Inc.	Cotati	707-766-8501	CIE/CMC
William L. Davis	Redwood Empire Schools Insurance Group	Windsor	707-836-0779	CIEC
Edward Prokop Jr.	Indoor Air Sciences	Petaluma	707-769-2289	CIEC
David Osborn	Paul Davis Restoration-North Bay	Petaluma	707-782-1999	CMRS
Ruben Marcos Sanchez	RMS Environmental Inspections Svcs	Novato	415-893-9242	CIE
Shawn Rau	Dunn Environmental Svcs Inc.	Napa	707-312-1022	CIEC
Matthew Baker	A-Team Specialized Svcs Corp.	Cloverdale	707-291-2452	CEICS/CMR
Richard Bolmen	County of Marin	San Rafael	415-499-5056	CMC
Tony Eldon	Bay Mountain Environmental	San Rafael	415-479-7339	CIE
Robert Minton	Bay Cities Mold Inspection Services	Greenbrae	415-308-0702	CIE
Jeffrey Boris	Redwood Environmental Services	Tiburon	415-789-5511	CMC
Dan Bachlor	Performance Contracting Inc. and Performance Abatement Services	Richmond	510-932-0480	CMRS
Brian Ribarich Larry Ribarich	Arrowhead Home Inspection	Martinez	925-287-9326	CRMI
Alexander Stadtner	Healthy Building Science	San Francisco	415-785-7985	CIEC
David L. Sasse	Healthy Building Science	San Francisco	415-785-7986	CIE/CMI
Marlin Bryant	RGA Environmental	Emeryville	510-547-7771	CIEC
Nathan E. Suazo	Mold 911 Inspection Services	San Francisco	415-913-9455	CRMI
Steven M. Zivolich	Guaranteed Property Inspection Mold Investigation Inc.	Sebastopol	707-239-2601	CMC



SUBJECT	EFFECTIVE DATE	CODE SECTION	POLICY NUMBER
Code Investigation Response Policy Mold Infestation	February 2010 Revised July 2011	International Property Maintenance Code Sec. 104.3	2.5.26 Page 1 of 2

PURPOSE:

The purpose of this policy is to identify code enforcement response to code investigation complaints of mold infestation of the interior and/or exterior of existing structures. The policy also identifies methods that code enforcement shall request testing and reports from a third-party outside consultant.

POLICY:

- Code investigation complaints of mold and mildew infestation will be investigated as a water intrusion or as a dampness of habitable rooms issue within existing structures. These types of complaints are identified as a Substandard Housing condition in existing structures per State of California Health and Safety Code Section 17920.3(11).
- The extent of mold infestation within a structure shall determine the need for testing and documentation.
 - Areas that have active sources of moisture generation, such as kitchens, bathrooms and laundry areas, with legal plumbing fixtures, will be reviewed for sources of moisture and evaluated for possible corrections and/or remedies to negate the continued growth of mold and/or mildew.
 - Complaints of mold and/or mildew growth associated with areas that do not have active sources of moisture generation such as bedrooms, closets and other living areas, without legal plumbing fixtures, may necessitate code enforcement staff to request proper testing and evaluation of possible mold growths by a professional retained by the owner, or any other responsible party associated with the property.
- Mold and microbial investigation, assessment, remediation, mitigation/abatement and consulting services shall be performed by individuals who the American Council for Accredited Certification (ACAC) or another national, non-profit certifying body which is accredited by the Council of Engineering and Scientific Specialty Boards (CESB) and/or the American National Standards Institute under ANSI/ISO/IEC 17024.

- Laboratories used to analyze mold related samples are recommended to be accredited by the American Industrial Hygiene Association (AIHA) or other industry recognized certifications (AIHA analyst registry, clinical laboratory scientist [State of California Department of Health Services], ASCP registered (American Society For Clinical Pathology), etc.
- All laboratories must provide an industry recognized “Standard Operating Procedure” and the CV of analysts utilized for City of Santa Rosa projects upon request.
- Mitigation reports supplied by the certified assessment specialist shall determine the extent of repairs, and/or removal and replacement of interior and/or exterior wall finishes.
- Individuals shall not conduct mold or microbial remediation or abatement activities on any site for which they have conducted investigations, assessments or prepared remediation plans.

PROCEDURE:

- A violation of substandard conditions is reported or noted to the code enforcement section.
 1. A code enforcement case is initiated in Permits Plus with a full description of the complaint.
 2. A code enforcement officer is assigned to investigate.
- Code enforcement officer shall contact complainant and/or owner/responsible party to arrange an inspection of the structure.
- Code enforcement officer shall do a complete inspection of the interior and the exterior of the structure to determine extent of infestation of mold, as well as possible sources of moisture build-up or water intrusion.
- Code enforcement officer shall confer with senior code enforcement officer as to necessity of requiring the owner/responsible party to obtain services of certified assessment specialist to conduct testing to evaluate levels of existing mold, provide written results and a written mitigation plan to address removal of all contaminated material.
- Code enforcement officer shall confer with senior code enforcement officer to determine whether extent of infestation and/or water intrusion requires vacation of structure, or a portion thereof.
- Code enforcement officer shall notify owner/responsible party and tenant of steps necessary to obtain compliance; i.e. obtain services of certified assessment specialist; potential Notice and Order to Vacate the structure or a portion thereof; building permit requirements and inspections for demolition and/or repairs.

Michael K. Whitaker, Chief Building Official

2012 International Property Maintenance Code

SECTION 111 MEANS OF APPEAL

18-20.111 International Property Maintenance Code Section 111 and subsections are amended to read as follows:

Section 111 “The Board of Building Regulation Appeals established in Section 18-04.050 of the Santa Rosa City Code, shall hear and determine any appeal arising from an action or determination made by the Building Official relative to the application and interpretation of this code. Section 18-04.060 of the City Code shall apply to the Board’s determination. An appeal shall be filed, if at all, in accordance with the requirements and within the time period set forth in Section 18-04.065 of the Santa Rosa City Code.”

18-04.065 Form of appeal - Filing

(A) Any affected person may appeal from any notice, order, or any action of the Building Official under this code by filing at the office of the Building Official a written appeal containing:

- (1) A heading in the words: “Before the Board of Appeals of the City of Santa Rosa”;
- (2) A caption reading: “Appeal of,” giving the names of the appellants participating in the appeal;
- (3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order;
- (4) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
- (5) A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside;
- (6) The signatures of all parties named as appellants, and their official mailing addresses;
- (7) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

(B) The appeal shall be filed within 15 days from the date the notice of the decision or action of the Building Official was mailed or delivered, whichever is earlier, to the person to whom the decision or action is addressed. (Ord. 2302 § 3 (part), 1983: prior code § 6.110.055)

(C) There is a filing fee for an appeal to the Board of Building Appeals per the current City of Santa Rosa Building Fee Schedule. Filing Fee is due at time of application submittal.



May 17, 2018

Continental Lifestyles Inc.
260 Fawn Drive
San Anselmo, CA 94960

NOTICE OF VIOLATION – FAILURE TO ABATE

PROPERTY AT: 2371 CORBY AVENUE, SANTA ROSA UNIT 13

APN: 043-053-055

ZONE: R-3-18

FILE NO: CE18-0313

The purpose of this letter is to inform you of the failure to abate the following violations of the Santa Rosa City Code (SRCC) at the above referenced property:

1. SRCC Sec. 18-20.305.1 Interior Structures – Failure to maintain the interior of the structure and equipment in good repair, structurally sound and in sanitary condition. The window sills have water damage and dry rot and holes. The counters in the kitchen and bathroom are not securely installed. There is softening at the shower/tub surround.
2. SRCC Sec. 18-20.305.3 Interior Surfaces – Failure to maintain all interior surfaces in good, clean and sanitary condition. There is a crack at the shower/tub surround.
3. SRCC Sec. 18-20.305.4 Walking Surfaces. Failure to maintain walking surfaces in good repair. There is a hole in the bedroom.
4. SRCC Sec. 18-20.605.1 Electrical Equipment – Failure to maintain all electrical equipment, wiring and appliances in safe and approved manner.
5. SRCC Sec. 18-20.605.2 Receptacles - Failure to maintain electrical outlets proper installed.
6. CA H&S Code 17920.3 Substandard Building – Failure to maintain interior space free from dangerous mold growth.
7. SRCC Sec. 18-20.403.2 Bathrooms and Toilet Rooms - Lack of proper ventilation fan in bathroom.
8. SRCC Sec. 18-20.603.1 Mechanical Appliances - Failure to maintain dishwasher in proper working order.
9. SRCC Sec. 18-20.304.14 Insect screens. Insect screens are missing at windows.

90 Santa Rosa Avenue • Santa Rosa, California 95404
Phone: (707) 543-3198 • Fax: (707) 543-3317
www.srcity.org

10. SRCC Sec. 18-20.704.1 Fire Protection Systems. Smoke alarms are missing in bedrooms/hallway/living room.
11. SRCC Sec. 18-20.309.1 Pest Elimination. There is a roach and mice infestation in the unit.
12. SRCC Sec. 18-20.602.3 Heating Systems. The wall heater does not work properly.
13. SRCC Sec. 18-20.504.1 General Plumbing Systems and Fixtures – Failure to install and maintain all plumbing fixtures in working order. The kitchen sink is leaking.
14. SRCC Sec. 18-20.304.18.1 Doors. All doors must be kept in operable condition with hardware kept maintained and intact.

In order to clear the violations on this property, you must accomplish the following **within fourteen (14) days** of the date of this letter:

1. Obtain all necessary remediation permits.
2. Obtain all required permits and inspections.
3. Make all required corrections.

You are further directed to: obtain a report for testing for mold (see below) **within 14 days** of the date of this letter. Failure to accomplish the aforementioned within the prescribed time period will result in legal proceedings, including but not limited to, the issuance of an infraction criminal complaint in Sonoma County Superior Court for failure to comply with the City of Santa Rosa Building Codes and Ordinances.

1. Provide a report for testing for mold from a certified assessment specialist within 14 days of this letter. The specialist must be certified by the American Council for Accredited Certification (ACAC) or another national, non-profit certifying body which is accredited by the Council of Engineering and Scientific Specialty Boards (CESB) and/or the American National Standards Institute under ANSI/ISO/IEC for inspection and testing of mold. ACAC provides a list of certified assessment specialists and remediation contractors by zip code at www.acac.org/locator/certzip.htm. Prior to testing, please have your assessment specialist call me at (707) 543-3184 and provide certification documentation.
2. Identify the source of water intrusion and obtain permits to correct that source and all identified violations.
3. Any mold remediation/abatement required must be done according to the work plan (protocol) provided by the certified assessment specialist, unless they determine that no plan is required. The remediation/abatement contractor must be certified by the ACAC or another national, non-profit certifying body which is accredited by the CESB and/or the American National Standards Institute under ANSI/ISO/IEC 27024.

Please provide a copy of the Mold and Remediation/abatement reports to:

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Phone: (707) 543-3198 • Fax: (707) 543-3317
www.srcity.org

The City of Santa Rosa Code Enforcement
Attn: Cecilia Sevilla
90 Santa Rosa Ave
Santa Rosa, CA 95404

Email: csevilla@srcity.org
Fax: (707) 543-3198

Failure to accomplish the aforementioned within the prescribed time period may result in legal proceedings, including but not limited to:

- (A) The issuance of an Administrative Civil Citation for failure to comply with City of Santa Rosa Building Codes and Ordinances. Citation penalties for each violation are as follows: First offense - \$100.00; Second offense - \$250.00; and Third and any subsequent offenses - \$500.00.
- (B) The issuance of an Administrative Hearing Notice and Order establishing a date for presentation of evidence of violations to a Hearing Officer. The administrative penalties may be assessed at a daily rate of \$500.00 for each violation. Penalties will accrue daily as long as the violation(s) exists. In addition, costs incurred by the City of Santa Rosa to obtain the correction(s) of the violation(s) including the cost of the investigation, postage and filing fees, attorney's fees, abatement costs, and other related expenses may be imposed as penalty against you in addition to the daily accrual amount. Penalties are calculated through to the completion date of when the violation(s) have been corrected.

The administrative penalties may be assessed at a daily rate of \$500.00 for each violation. Penalties will accrue daily as long as the violation(s) exist(s). In addition, costs incurred by the City of Santa Rosa to obtain correction(s) of the violation(s) including the cost of the investigation, postage and filing fees, attorney's fees, abatement costs, and other related expenses may be imposed as penalty against you in addition to the daily accrual amount. Penalties are calculated through to the completion date of when the violation(s) have been corrected.

Enclosed, please find a Notice of Intent to Record a Notice of Noncompliance against the property title. In order to avoid having this Notice of Noncompliance recorded against the property title you must accomplish the aforementioned by May 31, 2018.

Please contact me regarding this matter immediately upon receipt of this letter. I can be reached at (707) 543-3184. If I am unable to take your telephone call, please leave a voicemail message with your name, address of violation, and a telephone number where you can be reached.

Your prompt attention and cooperation in this matter is greatly appreciated.



Cecilia Sevilla
Code Enforcement Officer
Housing & Community Services

cc: File
Tenant

Enc: Notice of Intent to Record Notice of Noncompliance

ACAC List

Name	Company	City	Phone	Certification
Edward Keith	North Bay Environmental Inc.	Santa Rosa	707-495-1360	CMRS
Eric Keith	Pacific IAQ LLC	Santa Rosa	707-546-2227	CIEC/CMC/CMRS
Michael Tierney	CI Environmental Consultants Inc.	Cotati	707-766-8501	CIE/CMC
William L. Davis	Redwood Empire Schools Insurance Group	Windsor	707-836-0779	CIEC
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Ruben Marcos Sanchez	RMS Environmental Inspections Svcs	Novato	415-893-9242	CIE
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Matthew Baker	A-Team Specialized Svcs Corp.	Cloverdale	707-291-2452	CEICS/CMR
Richard Bolmen	County of Marin	San Rafael	415-499-5056	CMC
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Robert Minton	Bay Cities Mold Inspection Services	Greenbrae	415-308-0702	CIE
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Dan Bachlor	Performance Contracting Inc. and Performance Abatement Services	Richmond	510-932-0480	CMRS
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Marlin Bryant	RGA Environmental	Emeryville	510-547-7771	CIEC
Nathan E. Suazo	Mold 911 Inspection Services	San Francisco	415-913-9455	CRMI
Steven M. Zivolich	Guaranteed Property Inspection Mold Investigation Inc.	Sebastopol	707-239-2601	CMC



SUBJECT	EFFECTIVE DATE	CODE SECTION	POLICY NUMBER
Code Investigation Response Policy Mold Infestation	February 2010 Revised May 2018	International Property Maintenance Code Sec. 104.3	2.5.26
			Page 1 of 2

PURPOSE:

The purpose of this policy is to identify code enforcement response to code investigation complaints of mold infestation of the interior and/or exterior of existing structures. The policy also identifies methods that code enforcement shall request testing and reports from a third-party outside consultant.

POLICY:

- Code investigation complaints of mold and mildew infestation will be investigated as a water intrusion or as a dampness of habitable rooms issue within existing structures. These types of complaints are identified as a Substandard Housing condition in existing structures per State of California Health and Safety Code Section 17920.3(11).
- The extent of mold infestation within a structure shall determine the need for testing and documentation.
 - Areas that have active sources of moisture generation, such as kitchens, bathrooms and laundry areas, with legal plumbing fixtures, will be reviewed for sources of moisture and evaluated for possible corrections and/or remedies to negate the continued growth of mold and/or mildew.
 - Complaints of mold and/or mildew growth associated with areas that do not have active sources of moisture generation such as bedrooms, closets and other living areas, without legal plumbing fixtures, may necessitate code enforcement staff to request proper testing and evaluation of possible mold growths by a professional retained by the owner, or any other responsible party associated with the property.
- Mold and microbial investigation, assessment, sampling, remediation, mitigation/abatement and consulting services shall be performed by individuals who the American Council for Accredited Certification (ACAC) or certifying body which is accredited by the Council of Engineering and Scientific Specialty Boards (CESB) and/or the American National Standards Institute under ANSI/ISO/IEC 17024.
- Laboratories used to analyze mold related samples are recommended to be accredited by the American Industrial Hygiene Association (AIHA) or other industry recognized certifications (AIHA analyst registry, clinical laboratory scientist [State of California

Department of Health Services], ASCP registered (American Society for Clinical Pathology), etc.

- All laboratories must provide an industry recognized “Standard Operating Procedure” and the CV of analysts utilized for City of Santa Rosa projects upon request.
- Mitigation reports supplied by the certified assessment specialist shall determine the extent of repairs, and/or removal and replacement of interior and/or exterior wall finishes.
- **ILicensed/certified remediation “Contractors” shall obtain a remediation permit to perform remediation/abatement work per the certified assessment specialist report.**
- **Upon completion of remediation, a clearance is required prior to restoration.**
- **Restoration after the abatement must be covered by means of a building permit.**

PROCEDURE:

- A violation of substandard conditions is reported or noted to the code enforcement section.
 1. A code enforcement case is initiated in Permits Plus with a full description of the complaint.
 2. A code enforcement officer is assigned to investigate.
- Code enforcement officer shall contact complainant and/or owner/responsible party to arrange an inspection of the structure.
- Code enforcement officer shall do a complete inspection of the interior and the exterior of the structure to determine extent of infestation of mold, as well as possible sources of moisture build-up or water intrusion.
- Code enforcement officer shall confer with senior code enforcement officer as to necessity of requiring the owner/responsible party to obtain services of certified assessment specialist to conduct testing to evaluate levels of existing mold, provide written results and a written mitigation plan to address removal of all contaminated material.
- Code enforcement officer shall confer with senior code enforcement officer to determine whether extent of infestation and/or water intrusion requires vacation of structure, or a portion thereof.
- Code enforcement officer shall notify owner/responsible party and tenant of steps necessary to obtain compliance; i.e. obtain services of certified assessment specialist; potential Notice and Order to Vacate the structure or a portion thereof; building permit requirements and inspections for demolition and/or repairs.

David Gouin, Housing and Community Services Director

**NOTICE OF INTENT TO RECORD
NOTICE OF NONCOMPLIANCE**

**RE: Property Address: 371 CORBY AVENUE, SANTA ROSA UNIT 13
Assessor's Parcel Number: 043-053-055**

The following violation(s) of the Santa Rosa City Code (SRCC) have been identified in connection with the above parcel and/or structures thereon:

	SRCC Section(s)	Violation Description
<input checked="" type="checkbox"/>	18-16.105.1	Failure to file an application for permit and submit plans, specifications, calculations and other data to the Building Division to determine conformity with the requirements of the California Building Code (CBC) and other pertinent City regulations.
<input checked="" type="checkbox"/>	18-16.105.1 18-24.104.1	Failure to obtain permits and pay necessary fees associated with building, plumbing, mechanical and electrical permits prior to commencement of construction.
<input checked="" type="checkbox"/>	18-16.110.1 18-24.105.2	Failure to have work inspected to assure compliance with requirements of the CBC.
<input checked="" type="checkbox"/>	18-20.302.1	All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
<input checked="" type="checkbox"/>	18-20.302.2	All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
<input checked="" type="checkbox"/>	18-20.304.1	The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare
<input checked="" type="checkbox"/>	18-20.304.2	All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces.

		Surfaces designed for stabilization by oxidation are exempt from this requirement.
<input checked="" type="checkbox"/>	18-20.304.6	All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
<input checked="" type="checkbox"/>	18-20.304.7	The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
<input checked="" type="checkbox"/>	18-20.304.10	Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
<input checked="" type="checkbox"/>	18-20.304.12	Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
<input checked="" type="checkbox"/>	18-20.304.13	Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
<input checked="" type="checkbox"/>	18-20.304.13.1	All glazing materials shall be maintained free from cracks and holes
<input checked="" type="checkbox"/>	18-20.304.13.2	Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
<input checked="" type="checkbox"/>	18-20.304.14	During the period from (date) to (date), every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.
<input checked="" type="checkbox"/>	18-20.304.15	All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.
<input checked="" type="checkbox"/>	18-20.304.18	Failure to provide devices designed to provide security for doors, windows or hatchways.
<input checked="" type="checkbox"/>	18-20-305.1	The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.
<input checked="" type="checkbox"/>	18-20-305.3	All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

<input checked="" type="checkbox"/>	18-20.309.1	Failure to keep all structures free from insect and rodent infestation.
<input checked="" type="checkbox"/>	18-20.501.2	The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.
<input checked="" type="checkbox"/>	18-20.504.1	All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
<input checked="" type="checkbox"/>	18-20.604.1	Failure to provide every occupied building with an electrical system in compliance
<input checked="" type="checkbox"/>	18-20.605.1	All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner
<input checked="" type="checkbox"/>	CA H & S 17920.3	Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:
<input checked="" type="checkbox"/>	18-20.403.2 403.2	Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
<input checked="" type="checkbox"/>	18-20.603.1	Failure to keep all mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances properly installed and maintained in a safe working condition, and capable of performing the intended function
<input checked="" type="checkbox"/>	18-20.605.2	Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

This office intends to seek compliance with the law through legal process, including recording a **Notice of Noncompliance** against the above property with the Sonoma County Recorder. Pursuant to provisions of the SRCC Section 1-30.236.1, a **Notice of Noncompliance** will be recorded on the property title unless the aforementioned violations have been corrected or removed by the date specified and other applicable requirements, if any, have been satisfied.

A Party may require an Appeal Review with the Department Head or Designee of the issuing Code Enforcement Officer. An Appeal Review shall be an informal review by the Department Head or Designee to validate or dismiss a Notice of Noncompliance that has been proposed.

A request for an Appeal Review shall be made in writing **within seven (7) days** of issuance of the Notice of Intent to record. This request shall be submitted to the Code Enforcement Officer who issued the Notice of Noncompliance and must include grounds on which a Responsible Party relies. The request must include any information that the Responsible Party desires considered in the Appeal Review.

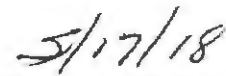
The request for an Appeal Review shall not extend any compliance time period.

The Appeal Review shall be conducted by the "Appeal Review Authority", i.e., Department Head or Designee. If the Appeal Review Authority concludes that no code violation occurred or that the Responsible Party(ies) is/are not responsible for the violation, then the department head shall dismiss the proposal to file a Notice of Noncompliance.

The City must notify the Responsible Party(ies), in writing by mail, of the results of the Appeal Review **within seven (7) calendar days** of filing the written request for Appeal Review. The review shall be a final decision and is not subject to judicial review.



Cecilia Sevilla
Code Enforcement Officer/Building Inspector



Date