

1 Timothy J. Hannan, Esq. (SBN 68977)
2 576 B Street, Suite 2-A
3 Santa Rosa, CA 95401
4 Telephone: (707) 578-0903
5 Facsimile: (707) 578-0607

6 Attorney for
7 BRUCE MORGAN and JAN TAYLOR TRUST

8 **BEFORE THE BOARD OF APPEALS**
9 **OF THE CITY OF SANTA ROSA**

10 **APPEAL OF BRUCE MORGAN and JAN TAYLOR TRUST**
11 Address: 626-A Acacia Lane; Assessor Parcel No. 182-520-043
12 Case No.: CE15-0651
13 Zoning: R-1-6

14 **Legal Interest of Appellants:**

15 BRUCE MORGAN and JAN TAYLOR are the Trustees and Beneficiaries of the
16 BRUCE MORGAN and JAN TAYLOR TRUST, which is the owner of the real property
17 commonly known as 626, 626-A, and 626-B Acacia Lane in the City of Santa Rosa.

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19 **Order Protested:**

20 On November 4, 2015, the City's Chief Building Official Mark Setterland signed a
21 "Notice and Order - Notice to Vacate" addressed to the Appellants and to the unnamed
22 Tenant at 626-A Acacia Lane. The Tenant, David Vasquez, vacated the unit after a fire in
23 September, 2015. The Notice and Order directs the Tenant and the Appellants "to vacate
24 the dwelling at 626-A Acacia Lane immediately, and to keep it vacated until the
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1 necessary repairs have been completed." The "substandard conditions" allegedly
2 justifying the Notice and Order include:

- 3 1. Substandard Housing.
- 4 2. Unpermitted conversion of accessory structure to habitable space.
- 5 3. Lack of adequate heating.
- 6 4. Fire Damage.

7
8 A copy of the Notice and Order is attached hereto as Exhibit A.

9
10 **History of the Property:**

11 According to the County of Sonoma's Tax Assessor Field Notes, the main
12 residence commonly known as 626 Acacia Lane was constructed in 1952. See page 1 of
13 Exhibit B attached. A structure referred to as "garage" and "shop" was converted to a 1-
14 bedroom, 1-bath living unit in 1960 or 1961 and came to be commonly known as 626-A
15 Acacia Lane. See page 3 of Exhibit B attached. Further, a barn was constructed on the
16 property in 1959. The upper story of the barn was converted to a habitable space (an
17 apartment) in 1960 or 1961. See page 2 and page 4 of Exhibit B attached hereto. The City
18 of Santa Rosa annexed the subject property in 2000. See Exhibit C attached hereto. At
19 that time, the City assumed jurisdiction over the subject property. County jurisdiction
20 building permits were first required after January 1, 1963. The improvements, including
21 the conversion of the barn's second story to an apartment, were all constructed prior to
22 the requirement of building permits and prior to the City's annexation of the subject
23 property. Appellants purchased the subject property in 1986. See Exhibit D-1 and D-2,
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1 copies of Appellants' grant deed (1986) and quitclaim deed (2004). Since their
2 acquisition of the property Appellants have made no appreciable changes to the
3 property.
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5 **Grounds for Appeal:**

6 1. Regarding the first "substandard condition" cited in the Notice and Order,
7 "Substandard Housing," Appellants respond as follows: The Notice and Order states
8 only this:
9

10 The dwelling unit at 626 A Acacia Lane was inspected by Code
11 Enforcement Officer, Michael J. Reynolds on October 23, 2015. At that
12 time it was observed that there are substandard living conditions. Based
13 on the inspection, occupancy represents a danger to the safety and
health of any occupants.

14 Beyond that conclusory statement, the Notice and Order merely quotes two local
15 ordinances and various excerpts from the California Health and Safety Code and the
16 California Civil Code. Those excerpts from statutory law run for ten pages. But
17 nowhere does the Notice and Order state a **factual** basis for the conclusions that the
18 housing is substandard and that the Tenants need to vacate the premises immediately.
19 The Fifth Amendment to the United States Constitution guarantees that no person shall
20 be deprived of a property right without due process of law. The Fourteenth
21 Amendment makes the due-process-of-law requirement applicable to the States and
22 their political subdivisions (counties and cities). The judicial history of the Fifth and
23 Fourteenth Amendments is replete with cases interpreting "due process" to mean, inter
24 alia, that any law or regulation imposed upon a person by a government agency must
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1 be rational, and its application must have a sound factual basis. Given the fact that the
2 Notice and Order fails to state facts sufficient to inform Appellants about what
3 "substandard conditions" need to be remedied, the Notice and Order must be regarded
4 as void on account of its vagueness.
5

6 2. Regarding the second "substandard condition" cited in the Notice and Order,
7 "Unpermitted conversion of accessory structure to habitable space," Appellants
8 respond as follows: As noted above, Mr. Reynolds is mistaken about the status of the
9 cottage known as 626-A Acacia Lane. Exhibit B, page 3, shows that the "shop" was
10 converted to a 1-bedroom, 1-bath residential unit before any permit for such a
11 conversion was required. So 626-A must be recognized as legal non-conforming.
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14 3. Regarding the third "substandard condition" cited in the Notice and Order,
15 "Lack of adequate heating," Appellants respond as follows: The Notice and Order fails
16 to make clear what is deficient about the heating. Again, Appellants have a
17 constitutional right under due process of law to be informed of the factual basis for the
18 City inspector's finding that the heating is inadequate. Further, in assessing the
19 adequacy of the heating system, the City needs to take into account the legal
20 nonconforming status of 626-A Acacia Lane.
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23 4. Regarding the fourth "substandard condition" cited in the Notice and Order,
24 "Fire damage," Appellants respond as follows: Appellants acknowledge that a fire of
25 unknown origin damaged the premises. Moreover, firemen from the City of Santa Rosa
26 Fire Department did considerable damage to the roof of the structure. 626-A Acacia

1 Lane is currently vacant. Appellants need to repair the fire damage and the damage to
2 the roof, and restore the property to habitable condition. In light of the fact that the City
3 of Santa Rosa is suffering from a shortage of housing, it would be in the City's best
4 interest to cooperate with Appellants in returning 626-A Acacia Lane to the local
5 housing stock.
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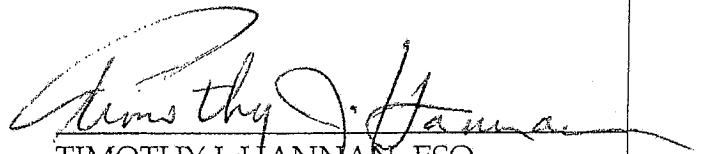
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8 WHEREFORE, Appellants request that:

9 1.) The Notice and Order to Vacate served on Appellants and Tenant be
10 quashed, cancelled, and nullified.

11 2.) The City of Santa Rosa, Community Development Department issue a
12 permit in response to Appellants' application for a permit to repair the fire damage and
13 damage to the roof in accordance with the Building Code.
14

15
16 Dated: November 17, 2015

17 Respectfully submitted,

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21 TIMOTHY J. HANNAN, ESQ.
22 Attorney for Appellants
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BOBRA HEARING

April 26, 2017

626 ACACIA LANE

DOCUMENTS

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BOBRA HEARING INTRODUCTION

HEARING DATED: April 26, 2017

Gentlemen

My name is Michael J. Reynolds. I have been employed by the City of Santa Rosa as a Code Enforcement Officer/ Building Inspector for 17.5 years. I am a Certified Building Inspector through ICC, the International Code Council and a Certified Code Enforcement Officer through the California Association of Code Enforcement Officers as required per my employment.

I am the Code Enforcement Officer of record regarding File # CE15-0651. I responded to a complaint to the City regarding fire damaged and substandard conditions.

The facts of the case are as follows:

Code enforcement responded to a request from SRFD immediately on **September 16, 2015** based on a structure fire, and subsequent observations by fire inspection staff.

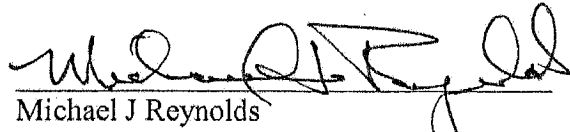
Observations onsite noted four structures, three of which were in use as dwelling units. The third structure, 626 B Acacia Lane is a two-story structure at the rear of the property and was observed with the tenant sitting in a chair in front of an open garage, tilt-up door. The garage was filled with household goods and other stored items with a narrow path for travel to the rear of the garage.

Review of the exterior of the building revealed no other access point to the interior of the structure on either the first or second floor.

After numerous attempts to gain access to the structure, both verbal and in written form to the owner and tenant, a Notice to Vacate was issued on **November 3, 2015** because of the hazardous conditions, as well as the review of files, historical documents and aerial photos had confirmed that the structure had been significantly altered without proper approvals and permits from proper jurisdictions.

HOUSING AND COMMUNITY SERVICES CODE ENFORCEMENT
RECOMMENDATION:

Code Enforcement recommends that the Notice and Order be upheld.


Michael J Reynolds
SENIOR CODE ENFORCEMENT OFFICER
(707) 543-3462

4/7/2017
DATE



NOTICE AND ORDER
NOTICE TO VACATE

626 B Acacia Lane
SANTA ROSA, CA

November 3, 2015

CERTIFIED MAIL, Return Receipt Requested

Bruce Morgan and Jan Taylor Trust

NOTICE AND ORDER LEGAL PROPERTY DESCRIPTION: DOC. NO. 2004119809

LEGAL OWNER OF RECORD: Bruce Morgan and Jan Taylor

LEGAL ADDRESS:

ASSESSOR PARCEL NUMBER: 182-520-043
CASE NO: CE15-0651

CITY ZONING DESIGNATION: R-1-6
CODE OFFICER: MXM

The City of Santa Rosa desires your cooperation and prompt resolution of housing concerns. In accordance with applicable State and local codes, the Building Official has caused the property indicated above to be inspected and has found the building (and premises) to be substandard.

A. description of substandard conditions and required actions are listed below:

1. Lack of Required Means of Egress
2. Substandard Housing
3. Unpermitted conversion of accessory structure to habitable space

The dwelling unit at 626 B Acacia Lane was inspected by Code Enforcement Officer, Michael J. Reynolds on October 23, 2015. At that time it was observed that there are substandard living conditions. Based on the exterior inspection, occupancy represents a danger to the safety and health of any occupants.

Santa Rosa City Code Section 18-20.702.1 General Means of Egress

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

California Health and Safety Code 17920.3

100 Santa Rosa Avenue, Room 3 • Santa Rosa, California 95404
Phone: (707) 543-3198 • Fax: (707) 543-4135
www.srcity.org

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:

- (a) Inadequate sanitation shall include, but not be limited to, the following:
 - (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
 - (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
 - (3) Lack of, or improper kitchen sink.
 - (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
 - (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
 - (6) Lack of adequate heating.
 - (7) Lack of, or improper operation of required ventilating equipment.
 - (8) Lack of minimum amounts of natural light and ventilation required by this code.
 - (9) Room and space dimensions less than required by this code.
 - (10) Lack of required electrical lighting.
 - (11) Dampness of habitable rooms.
 - (12) Infestation of insects, vermin, or rodents as determined by the health officer.
 - (13) General dilapidation or improper maintenance.
 - (14) Lack of connection to required sewage disposal system.
 - (15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.
- (b) Structural hazards shall include, but not be limited to, the following:
 - (1) Deteriorated or inadequate foundations.
 - (2) Defective or deteriorated flooring or floor supports.
 - (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - (6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - (7) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
 - (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (c) Any nuisance.
- (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
- (e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
- (f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and

safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

- (g) Faulty weather protection, which shall include, but not be limited to, the following:
 - (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (i) All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.
- (j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- (k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.
- (l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.
- (m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.
- (o) Inadequate structural resistance to horizontal forces. "Substandard building" includes a building not in compliance with Section 13143.2. However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

Santa Rosa City Code Section 18-20.108 Unsafe Structures and Equipment

Santa Rosa City Code Section 18-20.108.1.3 provides that "if the structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation illumination, sanitary or heating

facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public."

Accordingly, you are directed to vacate the dwelling at 626 A Acacia Lane immediately, and to keep it vacated until the necessary repairs have been completed.

Subsequent violations of this Notice and Order are subject to prosecution under Santa Rosa City Code Section 18-20.106.3. **PROSECUTION OF VIOLATION.** Any person failing to comply with a Notice of Violation or Order shall be deemed guilty of a misdemeanor.

Building or portions thereof which are determined to be substandard by definition are thereby declared to be a public nuisance.

California Health and Safety Code 17995

Any person who violates any of the provisions of this part, the building standards published in the State Building Standards Code relating to the provision of this part, or any other rule or regulation promulgated pursuant to the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Permits must be secured and work physically commenced for the items listed above within fifteen (15) days of the date of this notice. Work must be completed within forty five (45) days of this order. If compliance is not had with the order within the time specified therein, and no written appeal made within ten (10) days of the date of this notice, the NOTICE AND ORDER will be recorded with a certificate describing the property and certifying (i) that the building is a substandard building and (ii) that the owner has been so notified pursuant to Section 18-20.107.1-3 of Santa Rosa City Code (hereinafter SRCC). If, after any order of the Building Official, or Board of Building Regulations Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey the Notice and Order, such person may be prosecuted under SRCC 18-20.106.3 or any appropriate action may be taken to abate such building as a public nuisance. Any such person who fails to comply with any such order is guilty of a misdemeanor. Failure to commence work within the specified days allowed by the Notice and Order may result in the Building Official causing the building to be repaired to the extent necessary to correct the conditions which render the building substandard. Cost incurred for abatement will be placed as a lien against the property.

Pursuant to the provisions of Health and Safety Code Section 17980(d), and in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation code, a tax deduction may not be allowed for the interest, taxes, depreciation, or amortization paid or incurred in the taxable year in which the notice is given.

Pursuant to the provisions of Health and Safety Code Section 17975 et. seq.:

17975. Any tenant who is displaced or subject to displacement for a residential rental unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive relocation benefits from the owner as specified in this article. The local enforcement agency shall determine

the eligibility of tenants for benefits pursuant to this article. Code Enforcement staff has determined that the tenant is eligible.

17975.1. (a) The relocation benefits required by this article shall be paid by the owner or designated agent to the tenant within ten (10) days after the date that the order to vacate is first mailed to the owner and posted on the premises, or at least twenty (20) days prior to the vacation date set forth in the order to vacate, whichever occurs later. (b) If there are fewer than ten (10) days between the first posting and mailing of the order to vacate and the vacation date, the relocation benefits shall be paid by the owner or designated agent to the tenant within twenty-four (24) hours after the notice is posted and mailed. The local enforcement agency shall attempt to provide telephonic or written notice to the owner to notify the owner that the benefits are payable immediately. Failure to provide the notice as specified in this section shall not relieve the owner of any obligations imposed by this article. (c) If a tenant is entitled to relocation benefits pursuant to Section 17975, the local enforcement agency shall provide either telephonic or written notice to the tenant of his or her entitlement to the benefits. Written notice may be satisfied by posting a written notice on the premises stating that tenants may be entitled to relocation benefits.

17975.2. The relocation payment shall be made available by the owner or designated agent to the tenant in each residential unit and shall be a sum equal to two months of the established fair market rent for the area as determined by the Department of Housing and Urban Development pursuant to Section 1437f of Title 42 of the United States Code. In addition, the relocation payment shall include an amount, as determined by the local enforcement agency, sufficient for utility service deposits. The relocation benefits shall be paid by the owner or designated agent in addition to the return, as required by law, of any security deposits held by the owner. The relocation benefits shall be payable on a per residential unit basis.

17975.3. (a) Any owner or designated agent who does not make timely payment as specified in Section 17975.1 shall be liable to the tenant for an amount equal to one and one-half times the relocation benefits payable pursuant to Section 17975.2. (b) Subdivision (a) shall not apply when relocation benefits are payable fewer than ten (10) days after the date the order to vacate is first mailed and posted on the premises, if the owner or designated agent makes the payment no later than ten (10) days after the order is first mailed and posted.

17975.4. (a) No relocation benefits pursuant to this article shall be payable to any tenant who has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the local enforcement agency, nor shall any relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the local enforcement agency. The local enforcement agency shall make the determination whether a tenant, tenant's guest, or invitee caused or substantially contributed to the condition, giving rise to the order to vacate at the same time that the order to vacate the tenants is made. (b) An owner or designated agent shall not be liable for relocation benefits if the local enforcement agency determines that the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the owner or the designated agent and the owner or designated agent did not cause or contribute to the condition. (c) In the situations described in subdivisions (a) and (b), the tenants of units within a multiunit structure who did not cause or substantially contribute to the uninhabitable condition shall be eligible for relocation benefits from the local enforcement

agency that elects at its discretion to pay relocation payments in accordance with Section 17975.2 to those tenants.

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.

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.

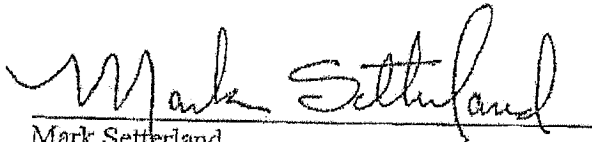
- (5) After entry of judgment or the signing of an arbitration award, if any, when in the judicial proceeding or arbitration the issue of tenability is determined adversely to the lessor. In each instance, the 180-day period shall run from the latest applicable date referred to in paragraphs (1) to (5), 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.

Any person(s) having any record title or legal interest in the property and structures at 626 A Acacia Lane may appeal this Notice and Order to the Board of Building and Regulation Appeals. The appeal must be in writing as provided in this code, and must be filed with the Building Official, and the current appeal fee, within fifteen (15) days from the date of service of such Notice and Order. Failure to appeal constitutes a waiver of all right to an administrative hearing and determination of the matter.

You must file your appeal by mail or, by delivery to:

City of Santa Rosa
Department of Community Development
Building Official: Mark Setterland
100 Santa Rosa Avenue, Room #3
Santa Rosa, CA 95404

Your cooperation would be greatly appreciated. Please call me at (707) 543-3234, or the building inspector, Mike Reynolds, at (707) 543-3462, if you would like an appointment to discuss this matter.


Mark Setterland
Chief Building Official

11-3-15
Date

Enc: 2012 International Property Maintenance Code Section-111 – Means of Appeal

This is an important notice. Please have it translated.
Este e um aviso importante. Queira manda-lo traduzir.
Este es un aviso importante. Sirvase mandarlo traducir.
Ceci est important. Veuillez faire traduire.
这是一个重要通知。请把它被翻译。
Dieses ist eine wichtige Nachricht. Haben Sie es bitte übersetzt.
Αυτό είναι μια σημαντική ειδοποίηση. Παρακαλώ τον μεταφράζει.
Cib è un avviso importante. Prego traducala.
이것은 중요 고지사항이다. 그것을 번역하십시오.
これは重要な通知である。それを翻訳しなさい。
Это важное извещение. Пожалуйста имейте его переведено.
Dit is een belangrijk bericht. Gelieve te hebben vertaald het.

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.

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 November 4, 2015, I served the attached:

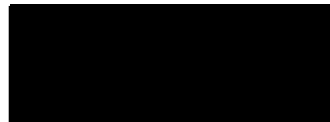
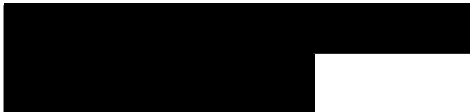
Notice and Order

Notice to Vacate

for

626 B Acacia Lane

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



[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 November 4, 2015, Santa Rosa, California.

Cindy S.

(Type or print name)

Cindy S.

(Signature)



October 1, 2015

Bruce Morgan and Jan Taylor Trust

CONSENT TO INSPECT

APN: 182-520-043

ZONE: R-1-6

FILE NO. CE15-0651

The Chief Building 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 the property located at 626 Acacia Lane for improvements without permits.

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:

Michael J. Reynolds
Senior Code Enforcement Officer
City of Santa Rosa
100 Santa Rosa Avenue
Community Development, Room 3
Santa Rosa, CA 95404

Date

Building Official or
Duly Authorized Representative
Phone Number: (707) 543-3462

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

Name: _____ Phone: _____ Date: _____

Owner of record shall arrange with tenants for an onsite inspection at: 626 Acacia Lane

Failure to authorize this inspection may cause the City of Santa Rosa to obtain an inspection warrant as authorized by law.

This is an important notice. Please have it translated.
Este e um aviso importante. Queira manda-lo traduzir.
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Dieses ist eine wichtige Nachricht. Haben Sie es bitte übersetzt.
Αυτό είναι μια σημαντική ειδοποίηση. Παρακαλώ τον μεταφράζει.
Ciò è un avviso importante. Prego traducala.

이것은 중요 고지사항이다. 그것을 번역하십시오.

これは重要な通知である。それを翻訳しなさい。

Это важное извещение. Пожалуйста имейте его переведено.
Dit is een belangrijk bericht. Gelieve te hebben vertaald het.

100 Santa Rosa Avenue, Room 3 • Santa Rosa, California 95404

Phone: (707) 543-3198 • Fax: (707) 543-4315

www.srcity.org



November 2, 2015

Bruce Morgan and Jan Taylor Trust

NOTICE OF VIOLATION AT: 626 Acacia Lane and Units A and B

APN: 182-520-043

ZONE: R-1-6

FILE NO. CE15-0651

An inspection of your property at **626 Acacia Lane** was made on October 16, 2015 and October 23, 2015. The following violations of the Santa Rosa City Code (SRCC) were identified at that time:

626 Acacia Lane

1. Sec. 18-16.105.1 Building Permit Required – Construction of attached roof structure along complete rear of dwelling without proper plans, approvals and permits
2. Sec. 18-16.110.1 Building Inspection Required - Construction of attached roof structure along complete rear of dwelling without proper inspections
3. Sec. 18-16.105.1 Building Permit Required – Construction of room addition on North side of dwelling, within carport, without proper plans, approvals and permits
4. Sec. 18-16.110.1 Building Inspection Required – Construction of room addition on North side of dwelling, within carport, without proper inspections
5. Sec. 18-24.103.1. Plumbing Permit Required – Installation of clothes washing facilities at rear of structure without proper plans, approvals and permits
6. Sec. 18-24.103.5. Plumbing Inspection Required -- Installation of clothes washing facilities at rear of structure without proper inspections
7. Sec. 18-24.103.1. Plumbing Permit Required – Installation of gas-fired water heater at rear of dwelling without proper plans, approvals and permits
8. Sec. 18-24.103.5. Plumbing Inspection Required - Installation of gas-fired water heater at rear of dwelling without proper inspections
9. Sec. 18-20.505.4 Water Heating Facilities -- Failure to properly install and maintain water heating facilities with proper venting
10. Sec. 18-20-602.2 Heating Facilities -- Residential Occupancies -- Failure to provide dwelling with heating facilities in proper working order, capable of maintaining heat in all habitable rooms, bathrooms and toilet rooms
11. Sec. 18-16.105.1 Building Permit Required – Removal and replacement of windows without proper plans, approvals and permits

12. Sec. 18-16.110.1 Building Inspection Required – Removal and replacement of windows without proper inspections
13. Sec. 18-20.302.1 Sanitation – Failure to maintain the exterior property and premises in a clean, safe and sanitary condition
14. Sec. 18-20.302.4 Weeds – Failure to maintain premises and exterior property free from weeds or plant growth in excess of six inches
15. Sec. 30-42.070.B.4.c – Failure to remove dead, decayed, diseased or hazardous trees constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property values
16. Sec. 18-20.304.2 Protective Treatment – Fences – Failure to maintain all exterior surfaces of all structure and fences in good condition

626 A Acacia Lane

17. Sec. 18-16.105.1 Building Permit Required – Conversion of shop/garage to habitable space without proper plans, approvals and permits
18. Sec. 18-16.110.1 Building Inspection Required – Conversion of shop/garage to habitable space without proper inspections
19. Sec. 18-20.304.2 Protective Treatment – Failure to maintain exterior siding and roofing of 626A in good condition
20. Sec. 18-20.505.1 Water System – General – Every sink, lavatory, bathtub or shower, drinking fountain, water closed or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system
21. Sec. 18-20.506.1 Sanitary Drainage System – General – Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system
22. Sec. 18-20.602.2 Heating Facilities Required – Failure to maintain permanent heating facilities capable of maintaining a room temperature of 68F in all habitable rooms, bathrooms and toilet rooms
23. Sec. 18-20.305.1 Interior Structure – General – Failure to maintain the interior of the structure in good repair, structurally sound and in a sanitary condition

626 B Acacia Lane

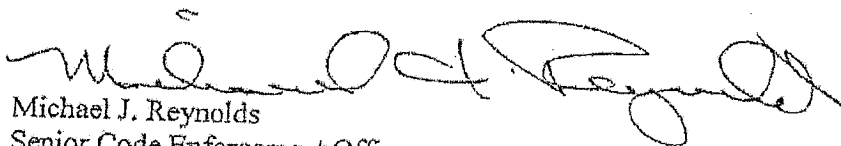
24. Sec. 18-16.105.1 Building Permit Required – Conversion of barn to habitable space without proper plans, approvals and permits
25. Sec. 18-16.110. Building Inspection Required – Conversion of barn to habitable space without proper inspections
26. Sec. 18-16.105.1 Building Permit Required – Demolition of the exterior stairs, primary means of egress from second story living quarters, removal and replacement of exterior siding without proper plans, approvals and permits
27. Sec. 18-16.110.1 Building Inspection Required – Demolition of the exterior stairs, primary means of egress from second story living quarters, removal and replacement of exterior siding without proper inspections

You are hereby requested to submit plans, obtain permits and inspections **within 14 days** of the date of this letter. Failure to accomplish the aforementioned within the prescribed time period may 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.

Permit applications and submittal information are available at the Department of Community Development, 100 Santa Rosa Avenue, Room 3, between 9:30 a.m. and 2:30 p.m. Monday through Thursday. Please call me at 707-543-3462 **before** you come in to apply for permits, to ensure that I am available to assist you, or if you have any questions. I am enclosing for your use a copy of Plan Check and Inspections Procedures for "As-Built" Code Enforcement Permits.

An appointment with the code enforcement officer of record is mandatory at the time of plan submittal to prevent an unnecessary delay in the plan check process.

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 is appreciated



Michael J. Reynolds
Senior Code Enforcement Officer
Community Development

Enc: Plan check and Inspection Procedures for "As-Built" Code Enforcement Permits

cc: File
Tenants

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これは重要な通知である。それを翻訳しなさい。

Это важное извещение. Пожалуйста имейте его переведено.
Dit is een belangrijk bericht. Gelleve te hebben vertaald het.

Specific Code Sections Cited

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.

18-24-103.1 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 103.1.2, or to cause the same to be done without first obtaining a separate plumbing permit for each separate building or structure.

18-24-103.5 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.

18-20-505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 F. A Gas burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

18-20-602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated...cooking appliances shall not be used to provide space heating to meet the requirements of this section.

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.

18-20-302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of four (4) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided.

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.

18-20-505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

18-20-506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

18-20-602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated...cooking appliances shall not be used to provide space heating to meet the requirements of this section.

18-20-305.1 General. 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.

Plan Check & Inspection Procedures for "As-Built" Code Enforcement Permits

"As-built" structures (projects built without permits and inspections) pose unique problems because the plan review and inspections will occur after the work is finished and often covered or concealed. Buildings that have been constructed without a building permit must meet the current building code minimum requirements. Therefore, all items which are found during the plan check and inspection process to be not in code compliance will need to be corrected. The owner of an as-built structure is responsible for making various components of the building accessible for inspection. This may necessitate the removal of building finish coverings in some locations. Special testing/reports by a testing agency approved by the building department may also be required. A City Building Inspector will determine the inspection procedure requirements at the first inspection.

Plan Review Procedure:

- 1) Complete the permit application form and site plan. Correctly identify square foot areas of any conversion of existing structure to alternate occupancy, addition to existing structure, or area of new construction.
- 2) Submit two copies of "as-built" plans and specifications reflecting the entire scope of work. Plans for your project must be prepared by an architect or engineer registered in the State of California unless the design is Conventional Construction per CBC Sec. 2320. The content of the plans is subject to plan check review. Additional or revised plans may need to be submitted to mitigate portions of plans which do not meet City Code. Plans must be drawn to scale and contain the following information:
 - a) Site Plan (with setback and grade elevation/drainage information)
 - b) Existing floor plans prior to project (identify all room use, dimensions, door and window types/sizes)
 - c) Proposed floor plans of "as-built" project (identify all room use, dimensions, door and window types/sizes)
 - d) Soils report if over 500 sq. ft.
 - e) Foundation plan and related details
 - f) Floor framing plan and related detail
 - g) Roof Framing plan and related details
 - h) Building sections and related information/details
 - i) Exterior elevations and related details
 - j) Electrical / mechanical/ plumbing plans
 - k) Engineering documentation for gravity and/or lateral analysis.
 - l) Energy Efficiency Documentation for conditioned space.

Inspection Procedures:

A City of Santa Rosa area inspector will determine inspection requirements at the first inspection after the permit has been issued. An inspection is required to be requested and scheduled as soon as the permit is issued. The applicant may ask counter staff to schedule initial inspection when picking up the permit.

The following features may be required to be exposed for verification of installation and design per minimum code standards.

- 1) Expose the foundation as directed by the building inspector at a minimum of three locations so that the footing depth and width can be determined. A minimum 2 ft. by 2 ft. inspection hole is required.
- 2) Drill a minimum of two holes, 3/4" diameter, through slab to verify thickness of slab and material below slab.
- 3) Provide written verification from an approved testing agency that the reinforcing steel has been installed according to the approved plans. Ultrasonic test or R-meter scans are acceptable for this purpose.
- 4) Expose the foundation anchors bolts at a minimum of three locations as directed by the building inspector.
- 5) Expose all lateral resisting (shear) hold downs as shown on the approved plans.

- 6) Remove building finish/wall covering over shear paneling for fastener inspection. A minimum 2 foot by 2 foot section and not less than one area per wall line will need to be exposed.
- 7) Expose framing hardware and structural connectors as directed by the building inspector.
- 8) Provide under floor and attic access. Areas must have adequate access, ventilation, and clearances.
- 9) All structural welding will require the approval of a licensed engineer or architect and must be inspected by a City approved certified welding inspector.
- 10) Provide a written verification by a California licensed engineer or architect that the building is structurally sound.
- 11) Submit a single line drawing of the entire electrical system. Show load calculations per National Electrical Code article 220. All circuits must be identified at the main or sub-panel and at each switch or receptacle outlet.
- 12) Remove cover plates from electrical outlets, switches, panels, etc. Expose ground electrode and water bond connections. Remove light fixtures as directed. Expose concealed wiring as directed by the inspector.
- 13) Interior gas piping must be exposed where requested and the entire gas piping system must be pressure tested @ 10 psi for 15 minutes.
- 14) Exterior buried gas piping must be uncovered at each end and at 25 foot intervals, or as directed by the inspector, and air tested @ 10 psi.
- 15) Any new sewer drain line or sewage disposal systems shall be exposed for inspection.
- 16) Expose drain/waste connection to existing drainage system. If piping is under the concrete slab then the slab may be expected to be cut and under slab excavated to the point of connection.
- 17) Drain waste and vent plumbing shall be exposed as directed by the inspector and the piping shall be air tested at 5 psi for 15 minutes.
- 18) Make components of the mechanical system (heating and air conditioning) visible for inspection. Remove access panels if necessary and provide manufactures installation instructions. Expose vent piping within walls.
- 19) Provide installation instructions for the fireplace. Expose required fire stops.
- 20) Expose wall, ceiling and floor insulation as directed by the inspector.
- 21) Provide certification by a licensed contractor of plumbing, electrical, or mechanical portions of project. Certification shall identify license number of contractor responsible for doing work and verify project complies with code in effect at time of permit issue date.



November 18, 2015

Bruce Morgan and Jan Taylor Trust
[REDACTED]

NOTICE OF VIOLATION – FAILURE TO ABATE

PROPERTY AT: 626 Acacia Lane, Units A and B

APN: 182-520-043

ZONE: R-1-6

FILE NO. CE15-0651

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:

626 Acacia Lane

1. Sec. 18-16.105.1 Building Permit Required – Construction of attached roof structure along complete rear of dwelling without proper plans, approvals and permits
2. Sec. 18-16.110.1 Building Inspection Required - Construction of attached roof structure along complete rear of dwelling without proper inspections
3. Sec. 18-16.105.1 Building Permit Required – Construction of room addition on North side of dwelling, within carport, without proper plans, approvals and permits
4. Sec. 18-16.110.1 Building Inspection Required – Construction of room addition on North side of dwelling, within carport, without proper inspections
5. Sec. 18-24.103.1. Plumbing Permit Required – Installation of clothes washing facilities at rear of structure without proper plans, approvals and permits
6. Sec. 18-24.103.5. Plumbing Inspection Required - - Installation of clothes washing facilities at rear of structure without proper inspections
7. Sec. 18-24.103.1. Plumbing Permit Required – Installation of gas-fired water heater at rear of dwelling without proper plans, approvals and permits
8. Sec. 18-24.103.5. Plumbing Inspection Required - Installation of gas-fired water heater at rear of dwelling without proper inspections
9. Sec. 18-20.505.4 Water Heating Facilities – Failure to properly install and maintain water heating facilities with proper venting

10. Sec. 18-20-602.2 Heating Facilities -- Residential Occupancies -- Failure to provide dwelling with heating facilities in proper working order, capable of maintaining heat in all habitable rooms, bathrooms and toilet rooms
11. Sec. 18-16.105.1 Building Permit Required -- Removal and replacement of windows without proper plans, approvals and permits
12. Sec. 18-16.110.1 Building Inspection Required -- Removal and replacement of windows without proper inspections
13. Sec. 18-20.302.1 Sanitation -- Failure to maintain the exterior property and premises in a clean, safe and sanitary condition
14. Sec. 18-20.302.4 Weeds -- Failure to maintain premises and exterior property free from weeds or plant growth in excess of six inches
15. Sec. 30-42.070.B.4.c -- Failure to remove dead, decayed, diseased or hazardous trees constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property values
16. Sec. 18-20.304.2 Protective Treatment -- Fences -- Failure to maintain all exterior surfaces of all structure and fences in good condition

626 A Acacia Lane

17. Sec. 18-16.105.1 Building Permit Required -- Conversion of shop/garage to habitable space without proper plans, approvals and permits
18. Sec. 18-16.110.1 Building Inspection Required -- Conversion of shop/garage to habitable space without proper inspections
19. Sec. 18-20.304.2 Protective Treatment -- Failure to maintain exterior siding and roofing of 626A in good condition
20. Sec. 18-20.505.1 Water System -- General -- Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system
21. Sec. 18-20.506.1 Sanitary Drainage System -- General -- Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system
22. Sec. 18-20.602.2 Heating Facilities Required -- Failure to maintain permanent heating facilities capable of maintaining a room temperature of 68F in all habitable rooms, bathrooms and toilet rooms
23. Sec. 18-20.305.1 Interior Structure -- General -- Failure to maintain the interior of the structure in good repair, structurally sound and in a sanitary condition

626 B Acacia Lane

24. Sec. 18-16.105.1 Building Permit Required – Conversion of barn to habitable space without proper plans, approvals and permits
25. Sec. 18-16.110. Building Inspection Required – Conversion of barn to habitable space without proper inspections
26. Sec. 18-16.105.1 Building Permit Required – Demolition of the exterior stairs, primary means of egress from second story living quarters, removal and replacement of exterior siding without proper plans, approvals and permits
27. Sec. 18-16.110.1 Building Inspection Required – Demolition of the exterior stairs, primary means of egress from second story living quarters, removal and replacement of exterior siding without proper inspections
28. Sec. 18-20.304.2 Protective Treatment – Failure to maintain all exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences in good condition

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. Submit plans, obtain permits and inspections

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.

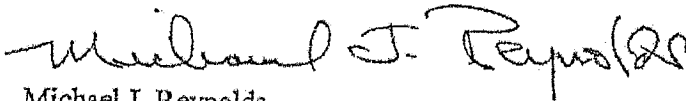
(B) The issuance of an Administrative Hearing Notice and Order establishing a date for presentation of evidence of violations to a Hearing Officer. The administrative penalties may be assessed at a daily rate of \$500.00 for each violation. Penalties will accrue daily as long as the violation(s) exists. 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 December 2, 2015.

Please contact me regarding this matter immediately upon receipt of this letter. I can be reached at (707) 543-3462. 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.



Michael J. Reynolds
Senior Code Enforcement Officer
Community Development

cc: File
Tenants

Enc: Notice of Intent to Record Notice of Noncompliance

This is an Important notice. Please have it translated.
Este e um aviso importante. Quem manda-lo traduzir.
Este es un aviso importante. Sirvase mandarlo traducir.
Ceci est important. Veuillez faire traduire.

这是一个重要通知。请把它被翻译。

Dieses ist eine wichtige Nachricht. Haben Sie es bitte übersetzt.
Αυτό είναι μια σημαντική ειδοποίηση. Παρακαλώ τον μεταφράζει.
C'è un avviso importante. Prego traducala.

이것은 중요 고지사항이다. 그것을 번역하십시오.

これは重要な通知である。それを翻訳しなさい。

Это важное извещение. Пожалуйста имейте его переведено.
Dit is een belangrijk bericht. Gelieve te hebben vertaald het.

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

**RE: Property Address: 626 Acacia Lane and Units A and B
Assessor's Parcel Number: 182-520-043**

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
X	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.
X	18-16.105.1 18-24.103.1 18-36.111.1 18-32-89.108.4.1	Failure to obtain permits and pay necessary fees associated with building, plumbing, mechanical and electrical permits prior to commencement of construction.
X	18-16.110.1 18-24.103.5 18-36.115.1 18-32-89.108.4.4	Failure to have work inspected to assure compliance with requirements of the CBC.
X	18-20.505.4	Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 F. A Gas burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
X	18-20.602.2	Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated...cooking appliances shall not be used to provide space heating to meet the requirements of this section.
X	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.

X	18-20.302.4	Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of four (4) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided.
X	30-42.070.B.4.c	Failure to remove dead, decayed, diseased or hazardous trees constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property values
X	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.
X	18-20.505.1	Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.
X	18-20.506.1	All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
X	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.

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

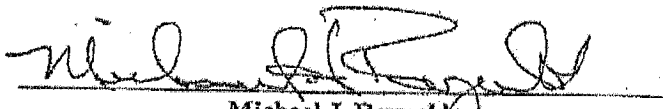
recorded on the property title unless the aforementioned violations have been corrected or removed by the date specified and other applicable requirements, if any, have been satisfied.

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.

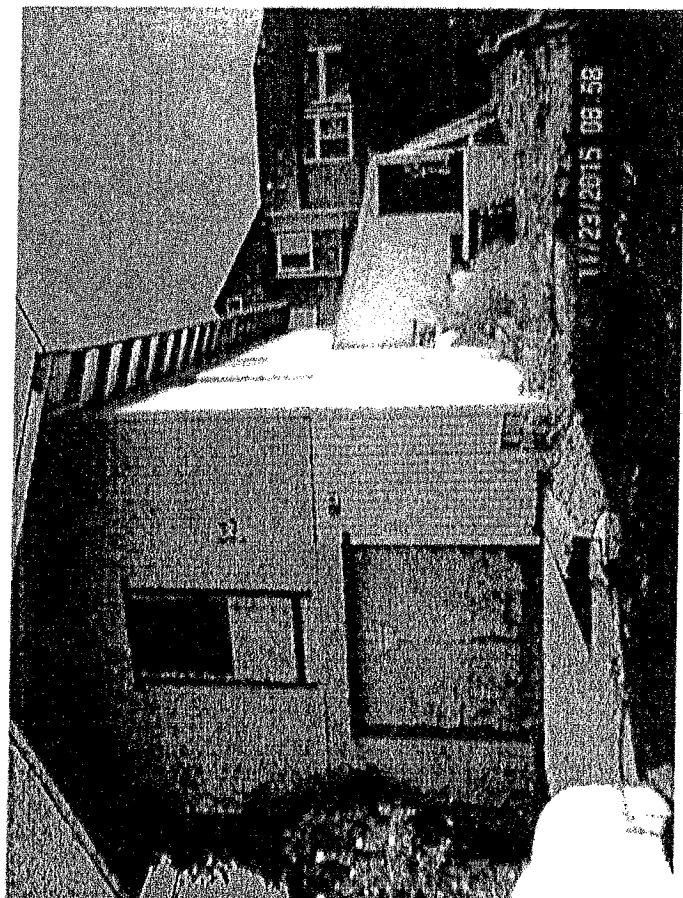
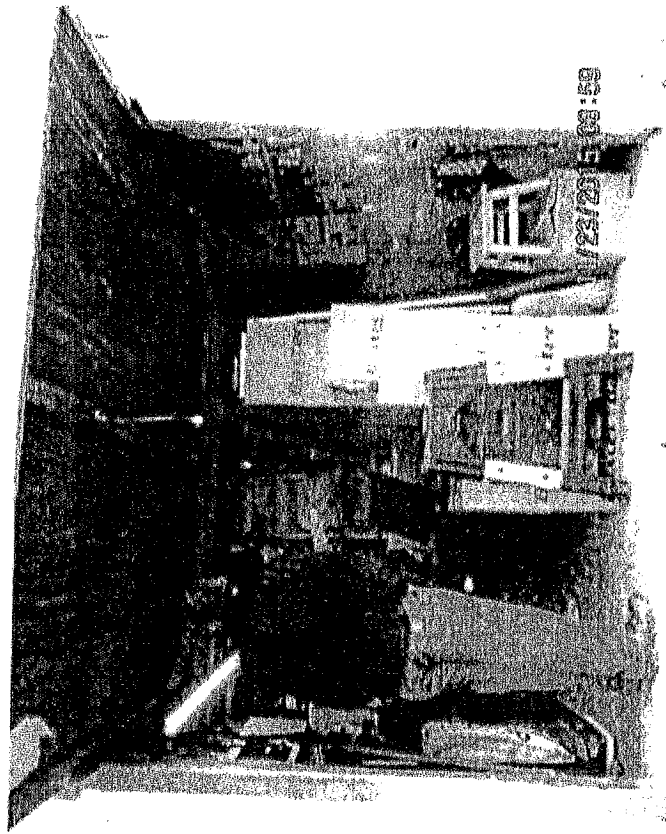

Michael J. Reynolds
Senior Code Enforcement Officer/Building Inspector

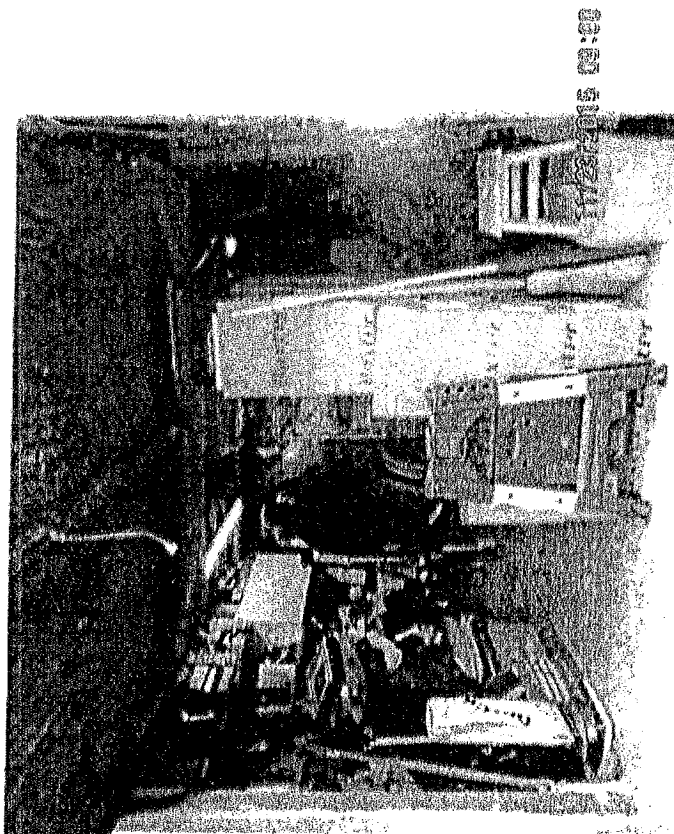
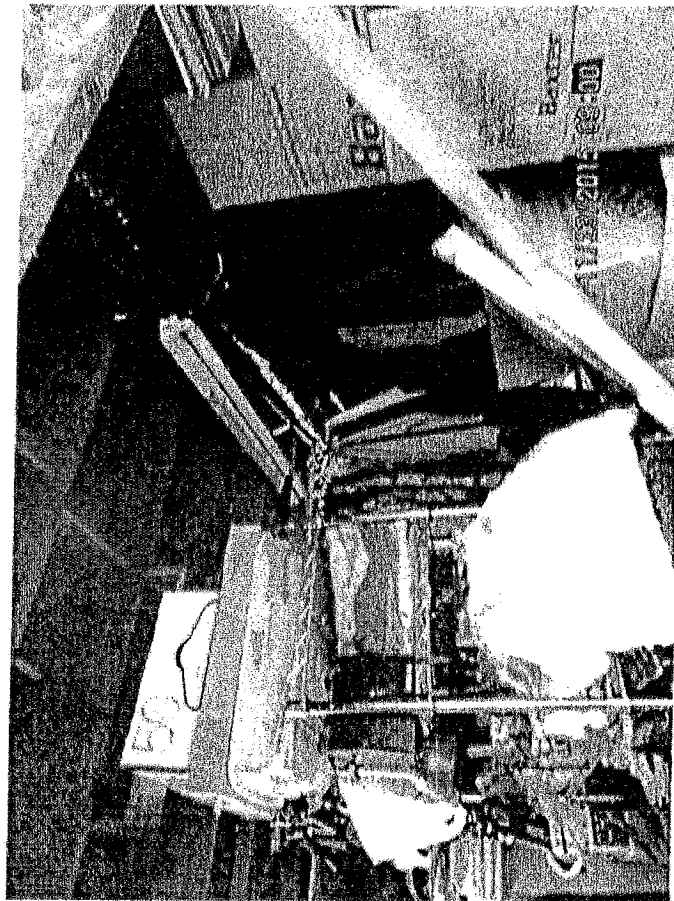
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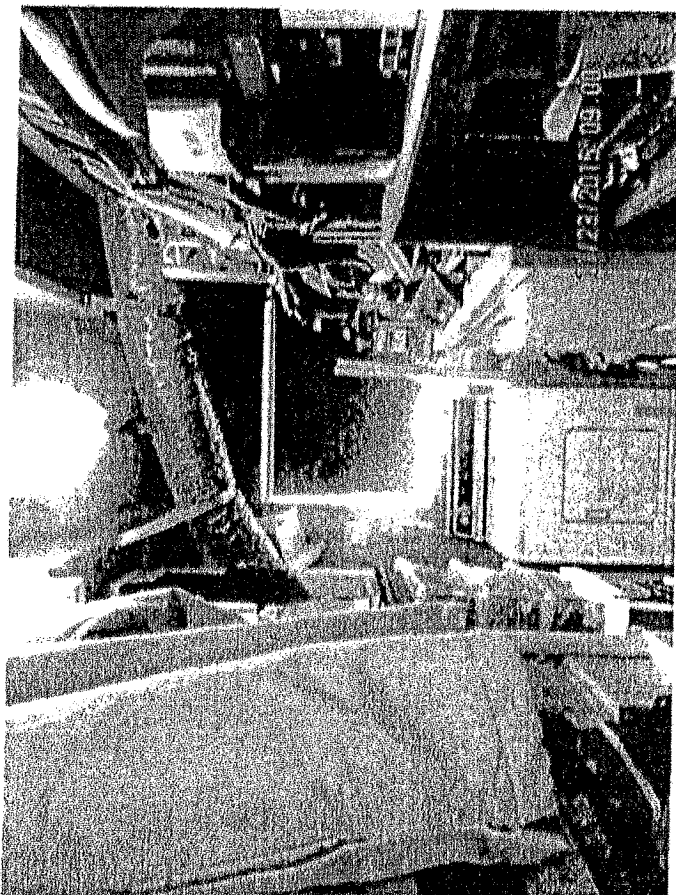
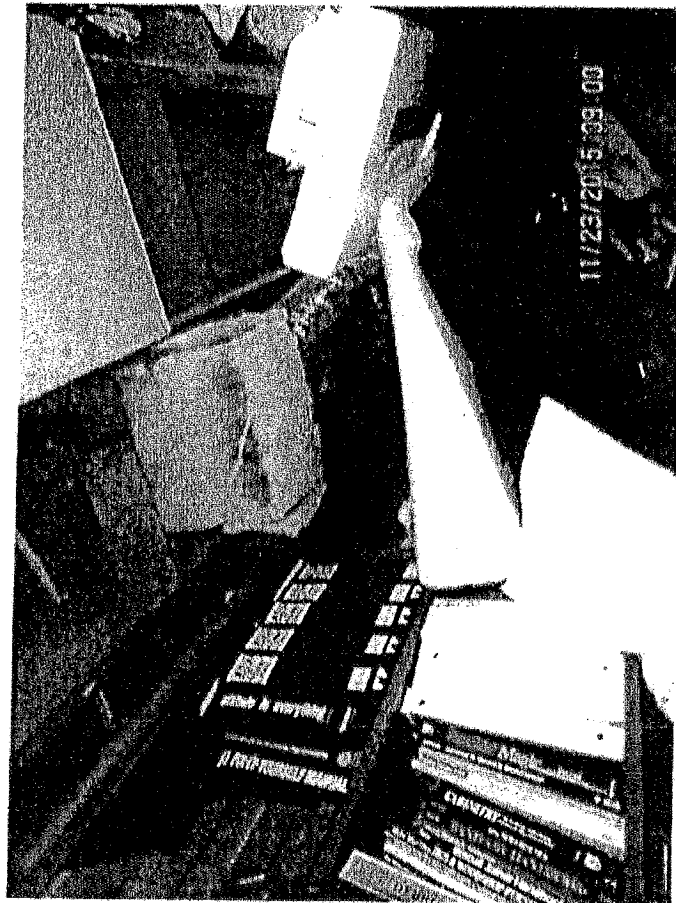
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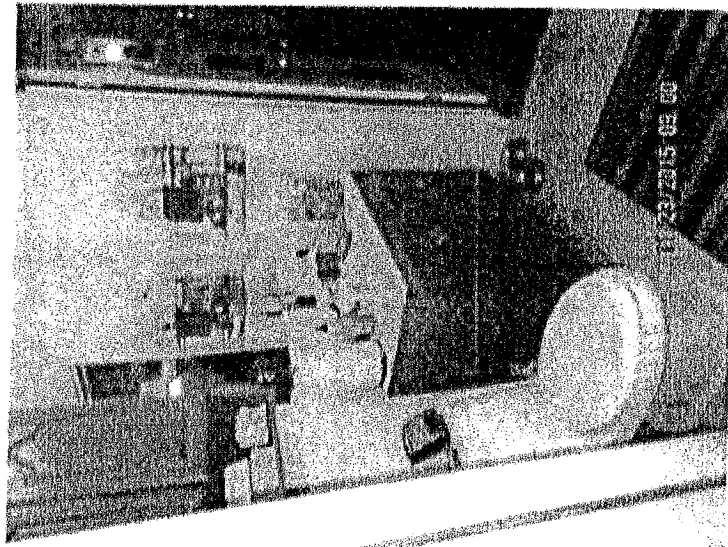
CECILIA SEVILLA
CODE ENFORCEMENT OFFICER

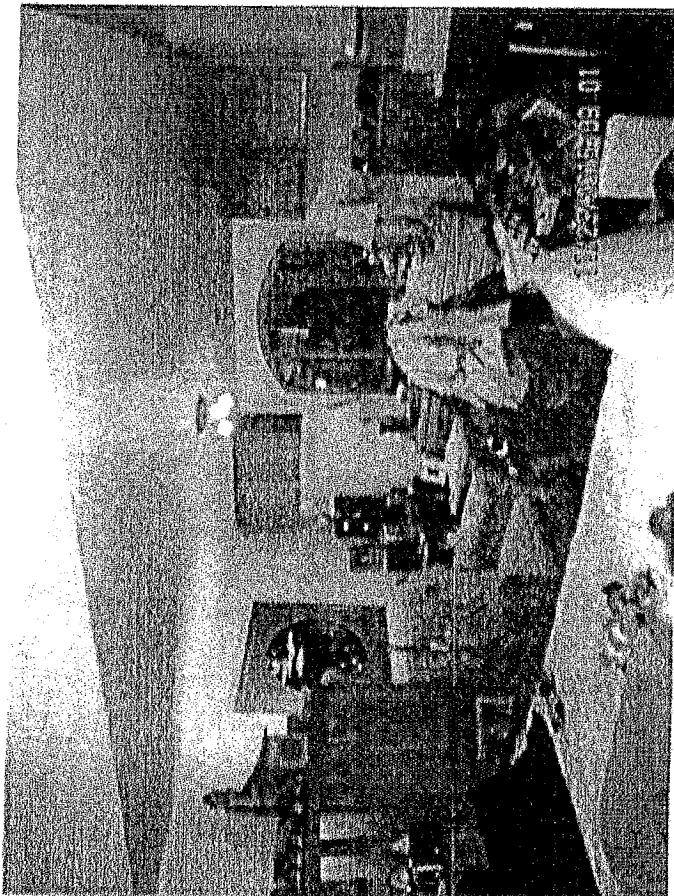
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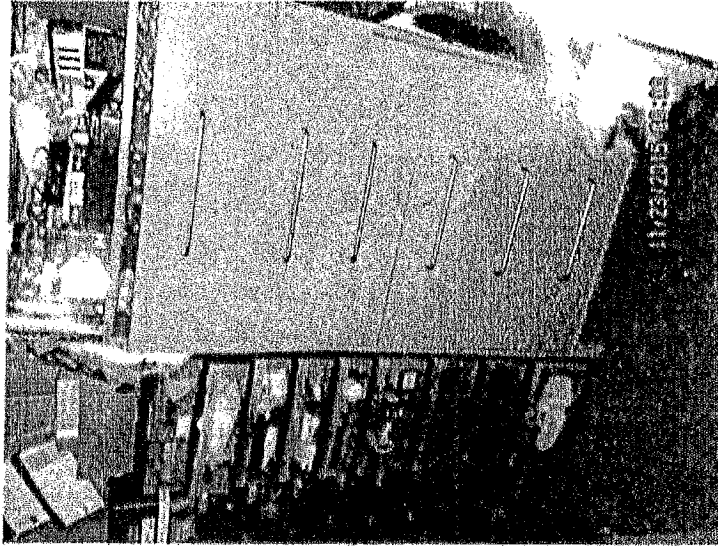






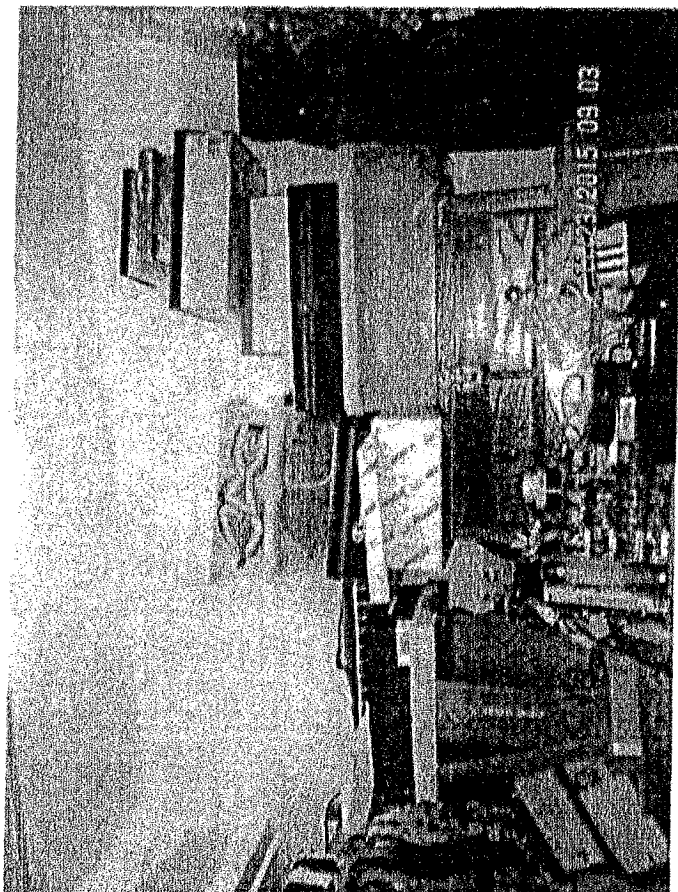




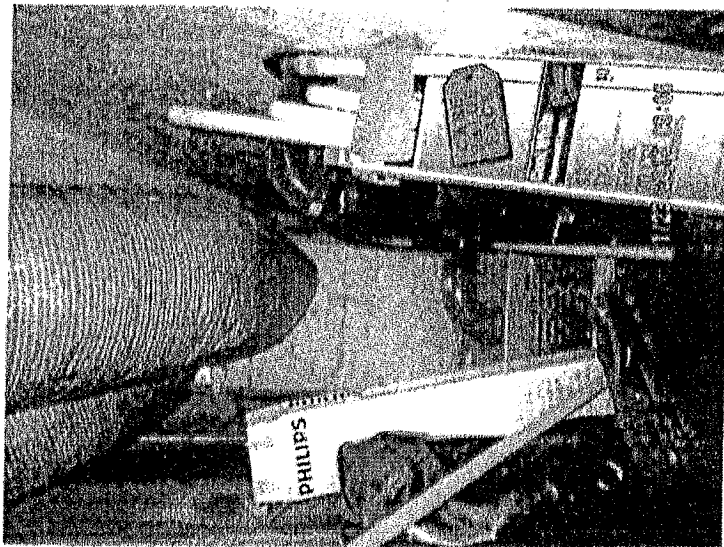
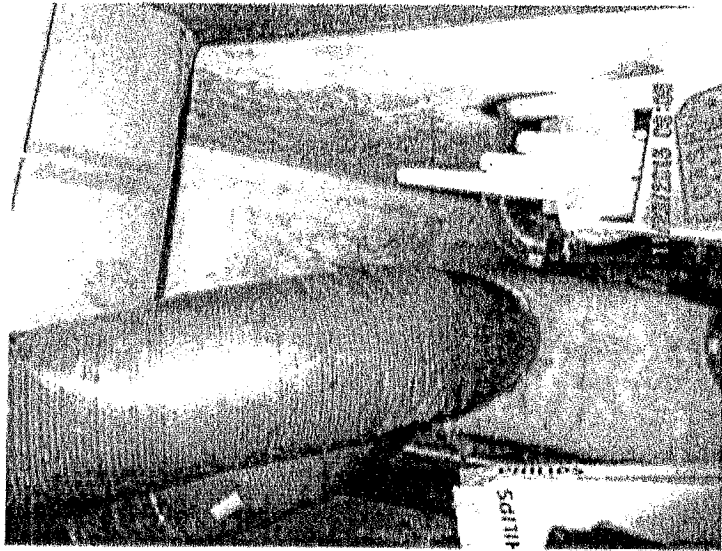


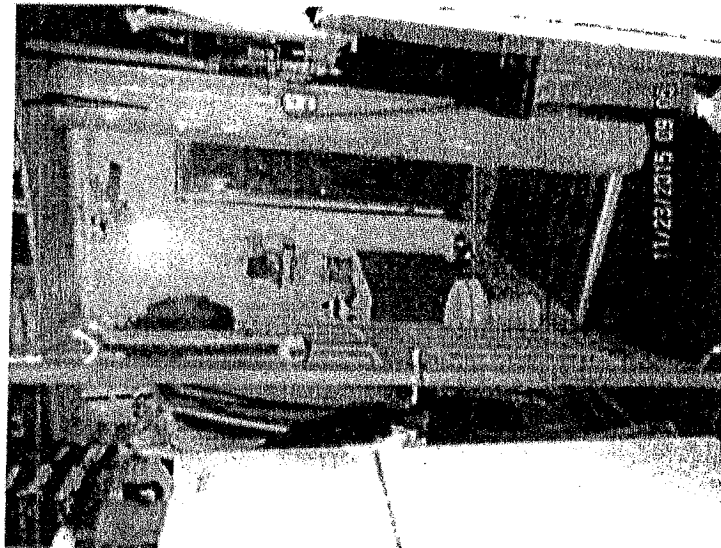


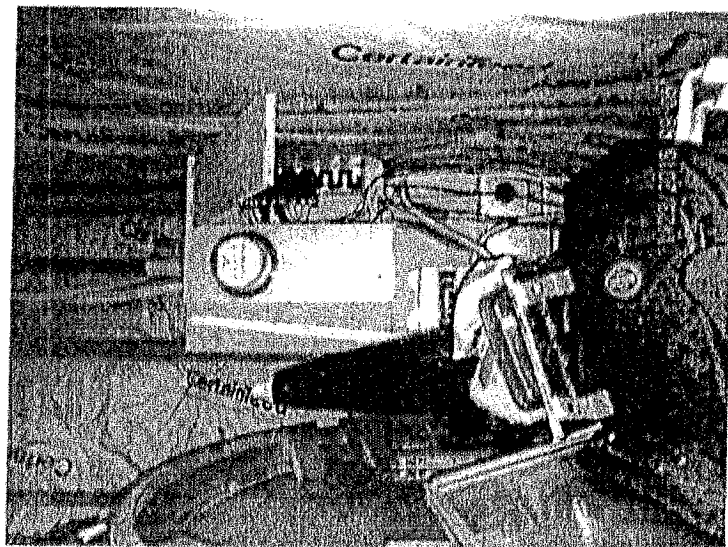
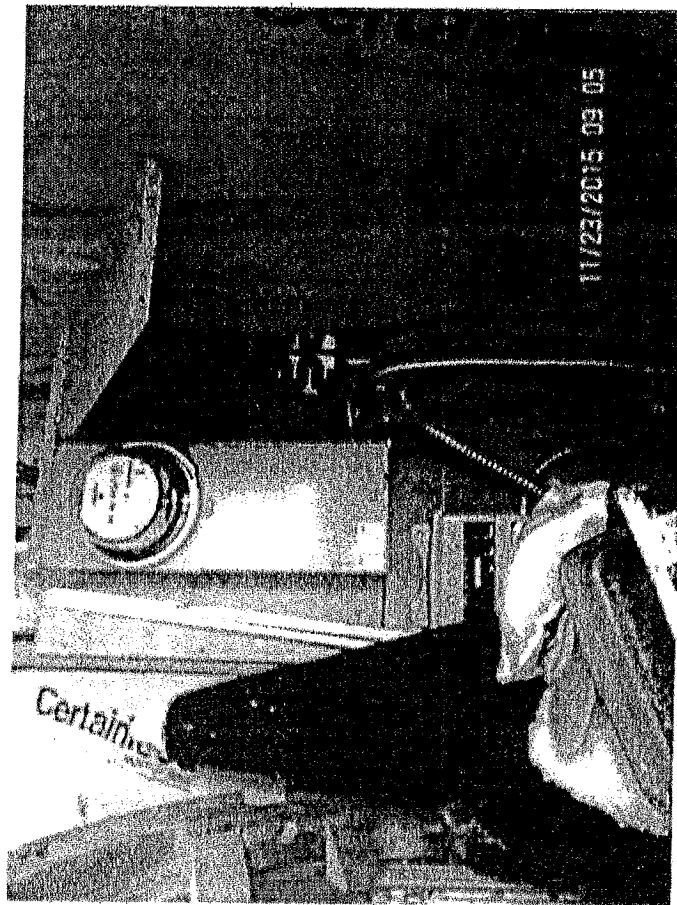
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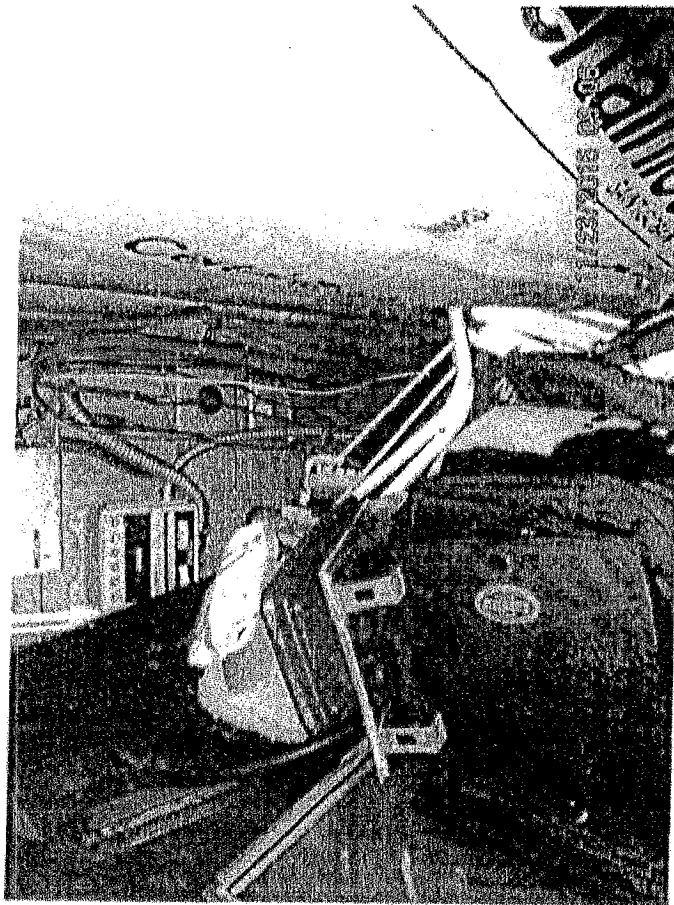


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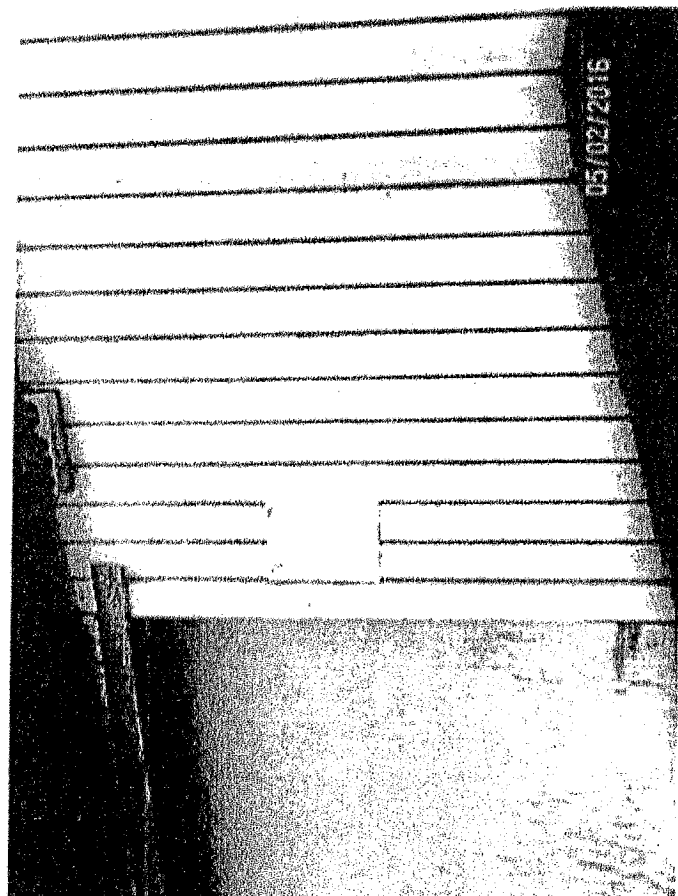
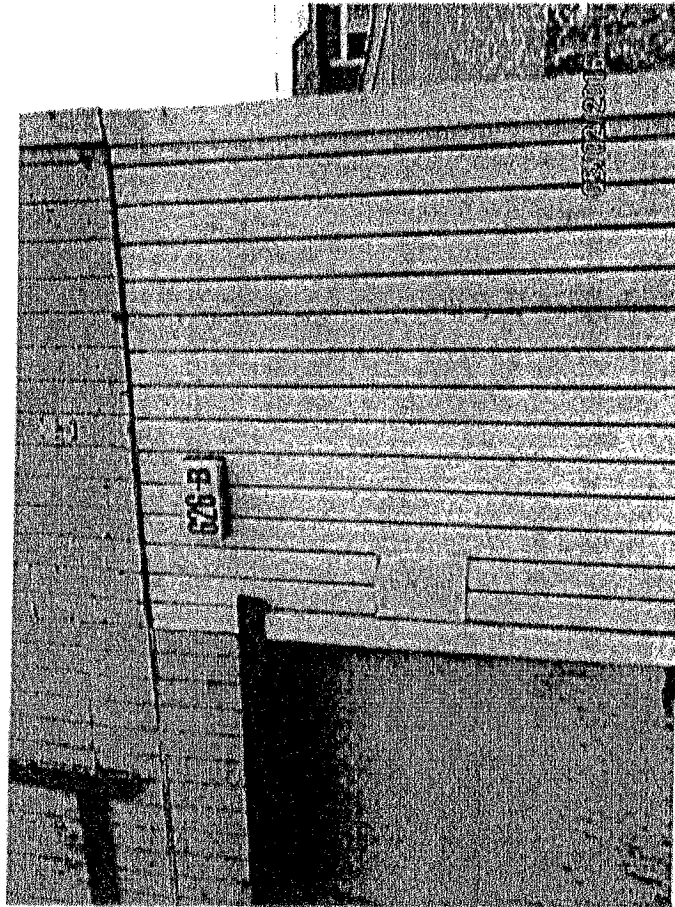


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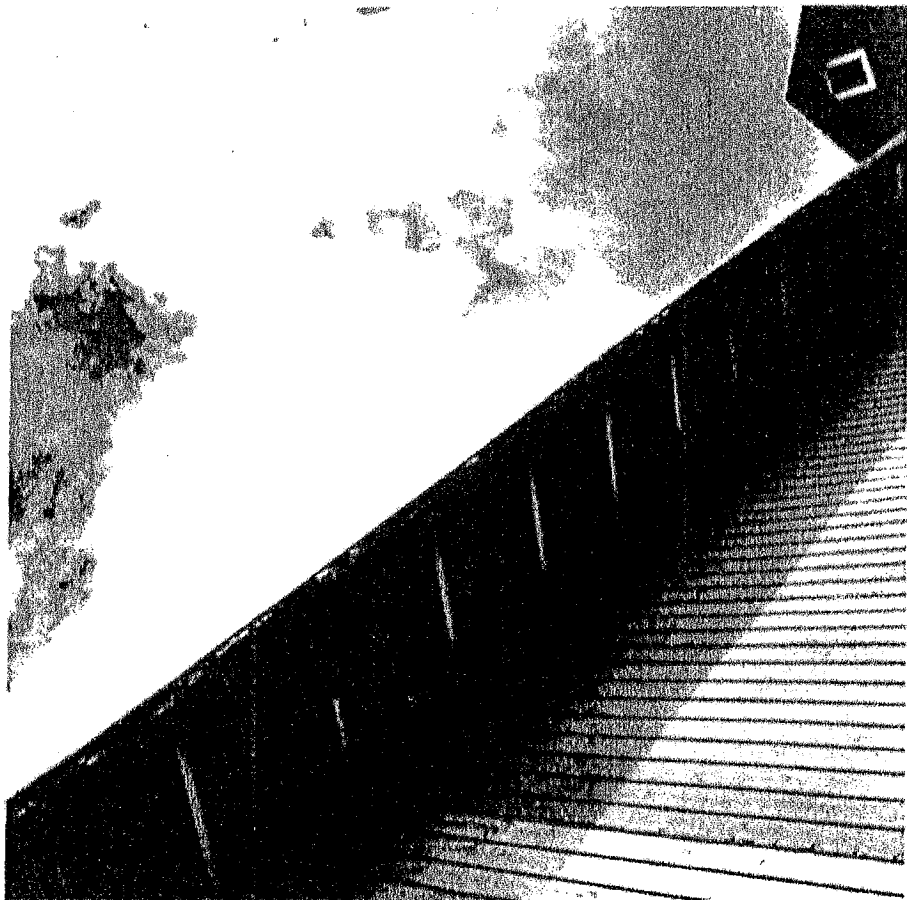
Senior Code Enforcement Officer

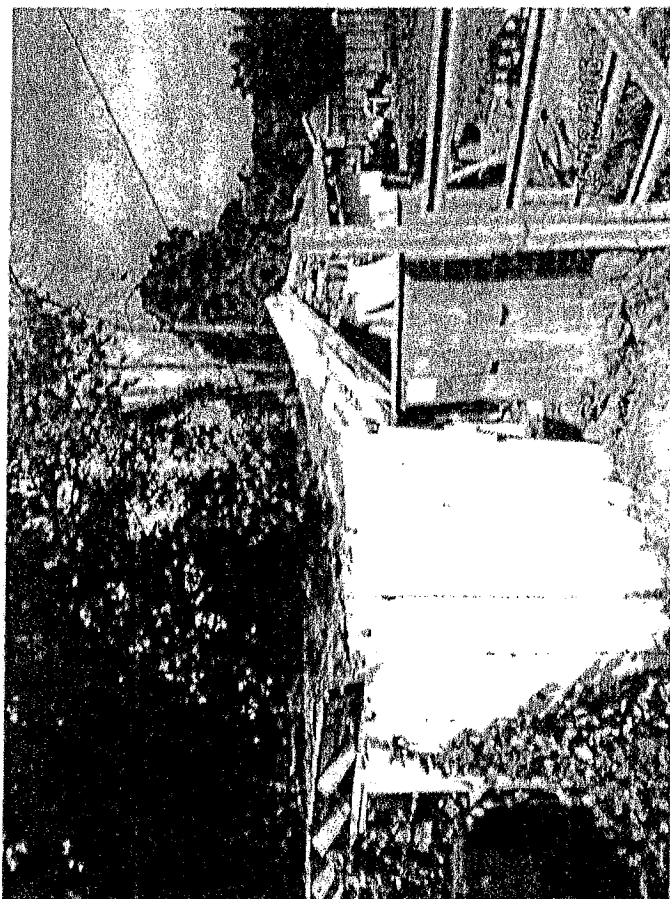
Michael J. Reynolds

May 2, 2016











J.R.

