

Ethan A. Glaubiger, California State Bar #157485
LAW OFFICES OF ETHAN A. GLAUBIGER
740 Fourth Street, 2nd Floor
Santa Rosa, California 95404
(707) 578-4505

Attorneys for Appellant
AGA INVESTMENTS, LLC

BOARD OF BUILDING AND REGULATION APPEALS
CITY OF SANTA ROSA

IN RE

2307 HEIDI PLACE, UNIT 1
SANTA ROSA, CA 95403

Case No: CE19-0515

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that AGA INVESTMENTS, LLC appeals the Notice and Order to Vacate dated July 30, 2019 issued by the City of Santa Rosa Housing and Community Services Department regarding the real property commonly known as 2307 Heidi Place, Unit 1, Santa Rosa, CA 95403 (the "property").

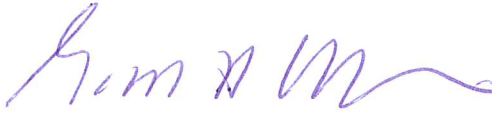
Partial grounds for this appeal are that, as of this date, it has not been established that any uninhabitable conditions were created by the landlord or that the landlord had notice and a reasonable time to remediate any uninhabitable conditions.

Further, based on information and belief, any uninhabitable conditions which may be found to exist were caused by the tenant due to the unit being occupied by more than the two approved tenants in violation of the lease and tenants' failure to properly ventilate the unit.

Dated: August 16, 2019

LAW OFFICES OF ETHAN A. GLAUBIGER

By:



ETHAN A. GLAUBIGER
Attorney for Appellant,
AGA INVESTMENTS, LLC

PROOF OF SERVICE BY HAND

I declare that I am employed in the County of Sonoma, California.

I declare that I am over the age of eighteen years and not a party to the within entitled action. My business address is 740 Fourth Street, 2nd Floor, Santa Rosa, California, 95404.

On August 8, 2019, I served the **NOTICE OF APPEAL** on the interested party in said case by handing a true copy to

Clerk, Code Enforcement Department
CITY OF SANTA ROSA
90 Santa Rosa Avenue
Santa Rosa, CA 95404

VIA MAIL & EMAIL
Christian Fierro, Esq.
411 Russell Ave.
Santa Rosa, CA 95403

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 8, 2019, at Santa Rosa, California.


Michelle C. Arntzen

LAW OFFICES OF ETHAN A. GLAUBIGER
740 Fourth Street, 2nd Floor, Santa Rosa, CA 95404
Tel: (707) 578-4505 Fax: (707) 578-0409

Ethan A. Glaubiger, California State Bar #157485
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Santa Rosa, California 95404
(707) 578-4505

Attorneys for Appellant
AGA INVESTMENTS, LLC

City of Santa Rosa

AUG 08 2019

Planning & Economic
Development Department

BOARD OF BUILDING AND REGULATION APPEALS

CITY OF SANTA ROSA

IN RE

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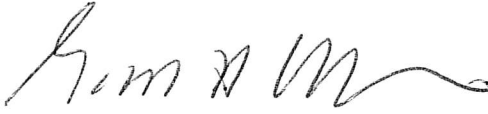
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1 Further, based on information and belief, any uninhabitable conditions which may be
2 found to exist were caused by the tenant due to the unit being occupied by more than the two
3 approved tenants in violation of the lease and tenants' failure to properly ventilate the unit.

4 Dated: August 14, 2019

LAW OFFICES OF ETHAN A. GLAUBIGER

5
6 By:



7 ETHAN A. GLAUBIGER

8 Attorney for Appellant,
9 AGA INVESTMENTS, LLC
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Michelle C. Arntzen

BOBRA HEARING
OCTOBER 16, 2019
2307 HEIDI PLACE #1
DOCUMENTS

| | |
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| Executive Summary | Page 2 |
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| Site Inspection Photos dated July 29, 2019..... | Page 8-44 |
| Letter dated July 29, 2019 – Notice of Violation..... | Page 45-50 |
| Document dated July 30, 2019 – Notice and Order to Vacate..... | Page 51-66 |
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BOBRA HEARING INTRODUCTION

HEARING DATED: OCTOBER 16, 2019

My name is Cassidy Anderson. I have been employed by the City of Santa Rosa as a Code Enforcement Officer for one year. I am 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 # CE19-0515. I responded to a complaint to the City regarding substandard conditions.

EXECUTIVE SUMMARY

BOBRA HEARING DATED: OCTOBER 16, 2019

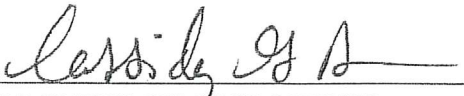
FILE: CE19-0515

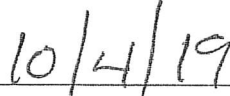
LOCATION: 2307 HEIDI PLACE #1

RESPONSIBLE PARTY: AGA INVESTMENTS LLC

The facts of the case are as follows:

I received a complaint regarding mold at 2307 Heidi Place #1. On July 29, 2019 I performed a site inspection of the unit and found mold growth and moisture intrusion along living room walls and windows, the bedroom walls, the closet walls, the bathroom walls and window surfaces. This was confirmed by use of my pin-less moisture reader. On July 30, 2019 I mailed and posted a Notice to Vacate on the property and sent a copy by certified and regular mail to the owner and a copy to the tenant. Additionally, on July 30, 2019 I sent a Notice of Violation letter to both the owner and tenants requiring mold testing. On August 8, 2019 the City of Santa Rosa received an appeal to the Notice to Vacate from the Law Offices of Ethan A. Glaubiger on behalf of the owners AGA investments LLC.


CODE ENFORCEMENT OFFICER:
CASSIDY ANDERSON
(707) 543-3229


DATE:

BOBRA HEARING STAFF REPORT

BOBRA HEARING DATED: OCTOBER 16, 2019

FILE: CE19-0515

LOCATION: 2307 HEIDI PLACE #1

RESPONSIBLE PARTY: AGA INVESTMENTS LLC

CASE FACTS:

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

On July 8, 2019 the City of Santa Rosa received a complaint regarding mold in the unit

On July 16, 2019 I sent a Consent to inspect letter to both the owner and tenant.

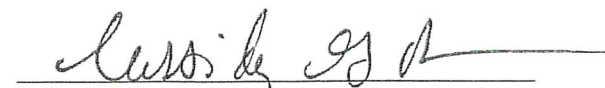
On July 29, 2019 I along with Code Enforcement Technician Lizzette Marquez conducted an inspection of the unit. I found mold and moisture intrusion along the living room walls and windows, the bedroom walls and windows, the closet walls, the bathroom walls and window surfaces throughout. I took moisture readings with my pin-less moisture reader.

On July 30, 2019 I drafted both a Notice and Order to Vacate and a Notice of Violation letter for SRCC Sec. 18-0-305.3 Interior Surfaces – Mold growth throughout living room base boards, windows, walls, both bedrooms windows, walls and bathrooms. I sent a copy of the Notice and Order to Vacate by certified and regular mail and posted by personal service on July 30, 2019 to the property and Code Enforcement Technician Lizzette Marquez translated the Notice and Order to Vacate to the tenant. I mailed the Notice of Violation letter to both the owner and tenant.

On August 8, 2019 the City of Santa Rosa received an appeal to of the Notice and Order to Vacate from the Law Offices of Ethan A. Glaubiger on behalf of the owners AGA Investments, LLC with the proper appeal fee payment of \$707.00.

On August 15, 2019 I received an email from Attorney Linda Ryan requesting an extension for permit submittal. I granted an extension and requested the Environmental Report from the Property Management Company.

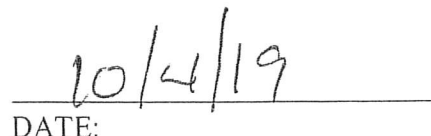
On October 3, 2019 I prepared the Board of Building Regulations Appeals Report.



CODE ENFORCEMENT OFFICER:

CASSIDY ANDERSON

(707) 543-3229



DATE:

File Log

Code Enforcement

PROJECT INFORMATION

FILE NUMBER: CE19-0515

STATUS: In Progress

NEIGHBORHOOD:

ADDRESS: 2307 Heidi Pl 1

PARCEL NO.: 041-180-016

ZONING: R-3-15-SA

PRIORITY RATING: 2

VIOLATION AREA(s): Substandard Residential

ASSIGNED TO: Cassidy Anderson

OWNER: Aga Investments Llc
152 C St
San Rafael, Ca 93401

DESCRIPTION: The complaint states that there is a severe mold problem in the unit.

STATUS DATE INFORMATION

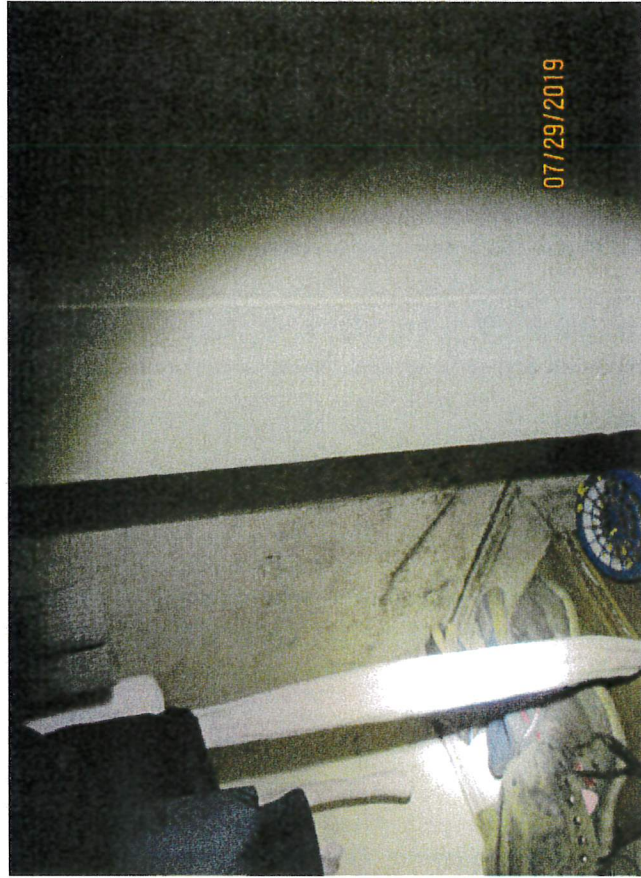
SUBMITTAL DATE: 07/09/2019

**ADMIN HEARING
DATE:**

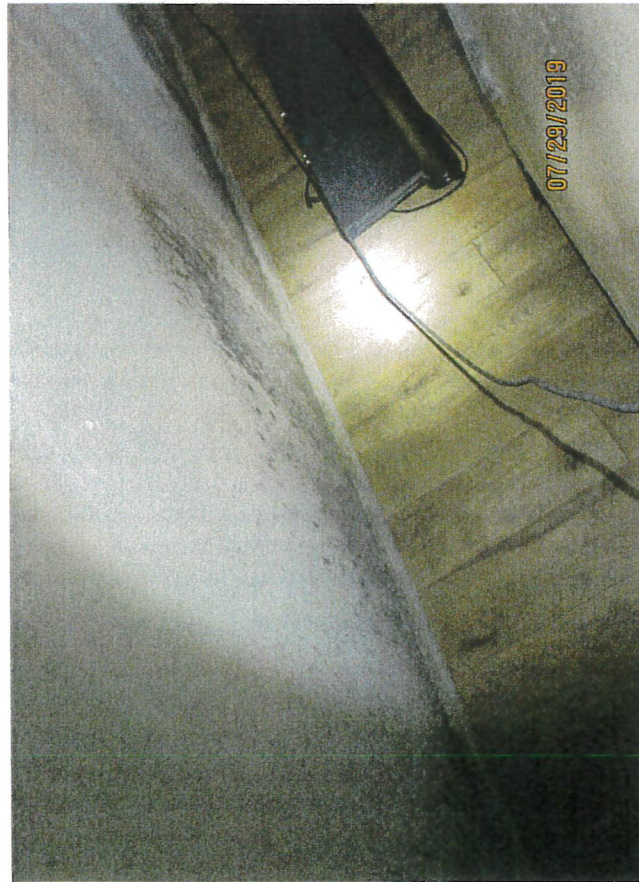
DATE CLOSED:

INSPECTION INFORMATION

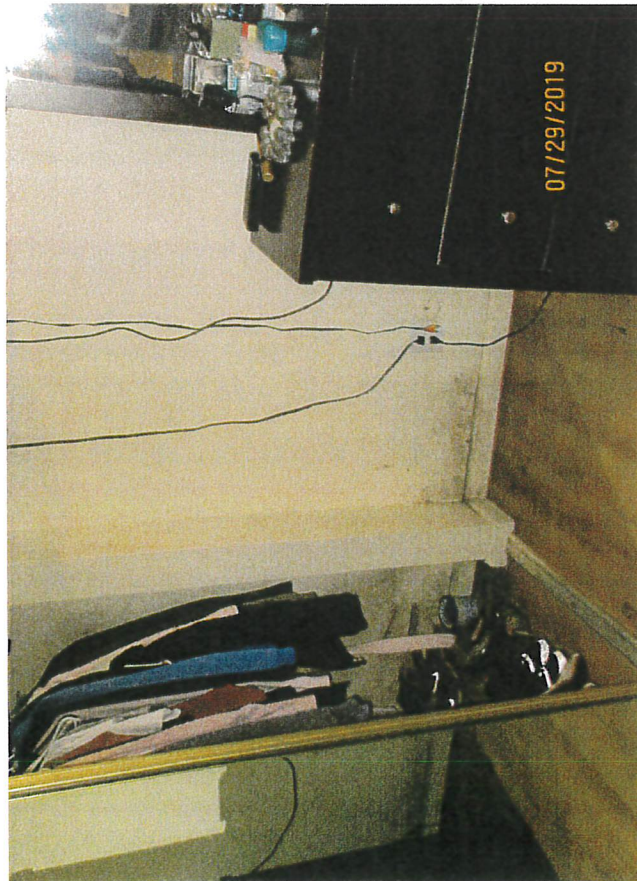
2307 Heidi Pl #1
Mold in closet



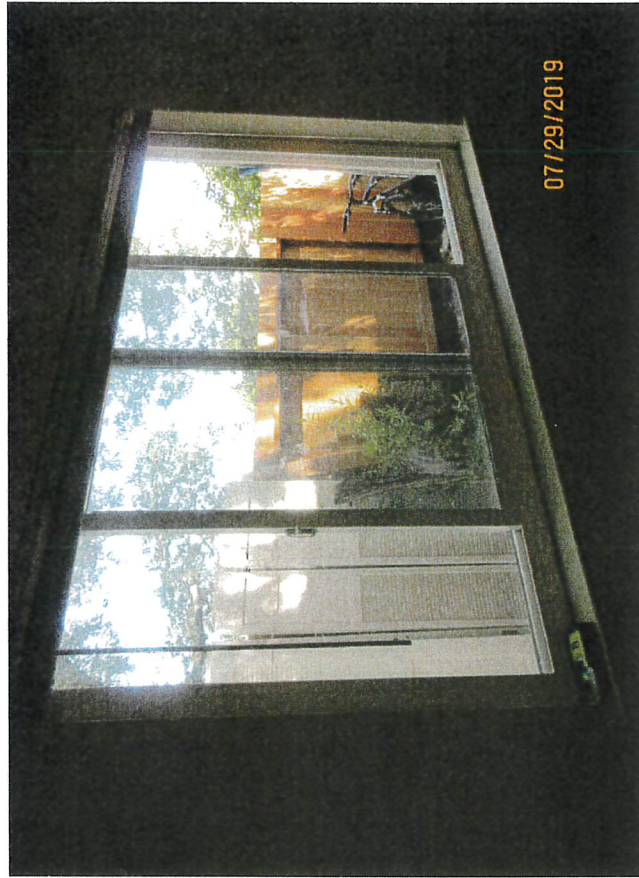
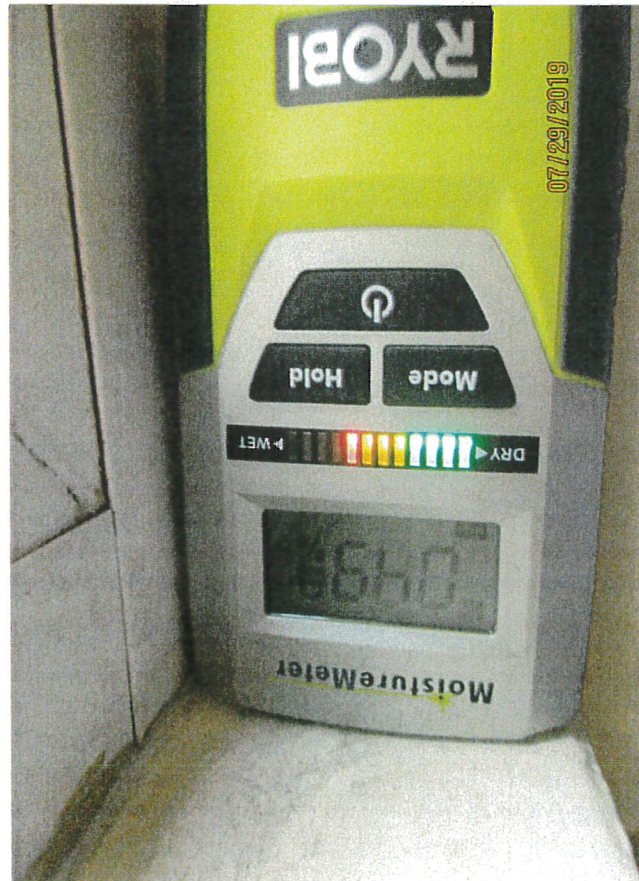
2307 Heidi Pl #1
Mold throughout bedroom walls



2307 Heidi Pl #1



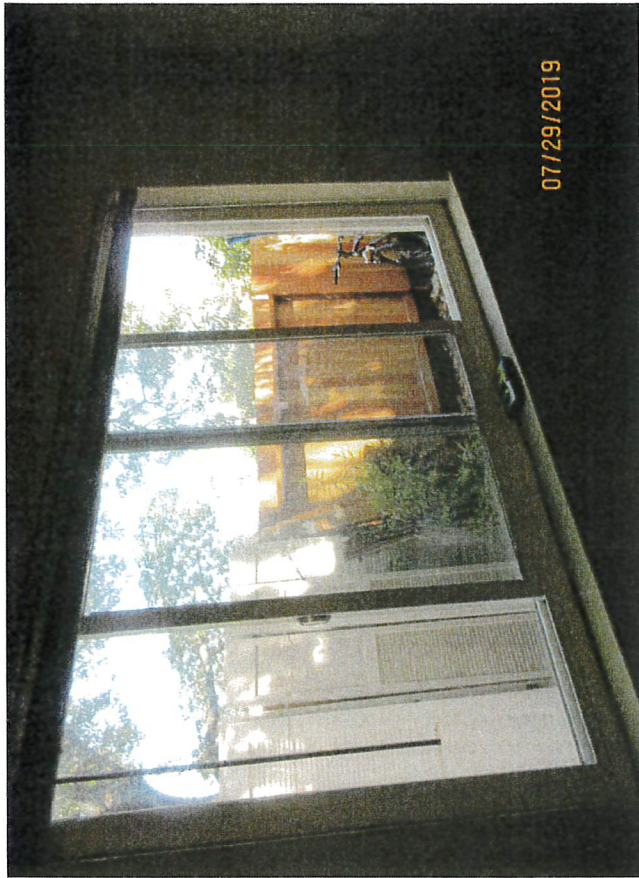
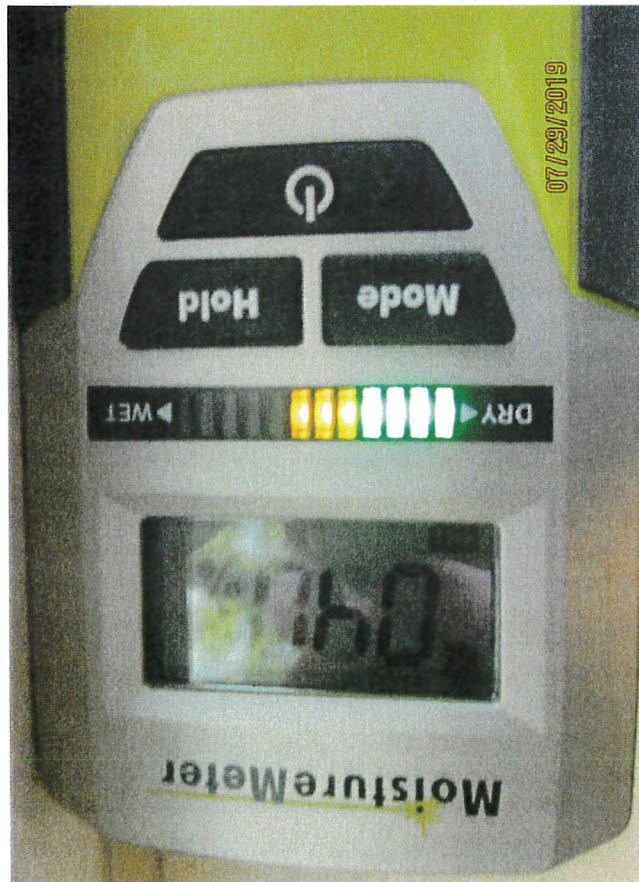
2307 Heidi Pl #1
Moisture readings on bedroom window sill reading 49%



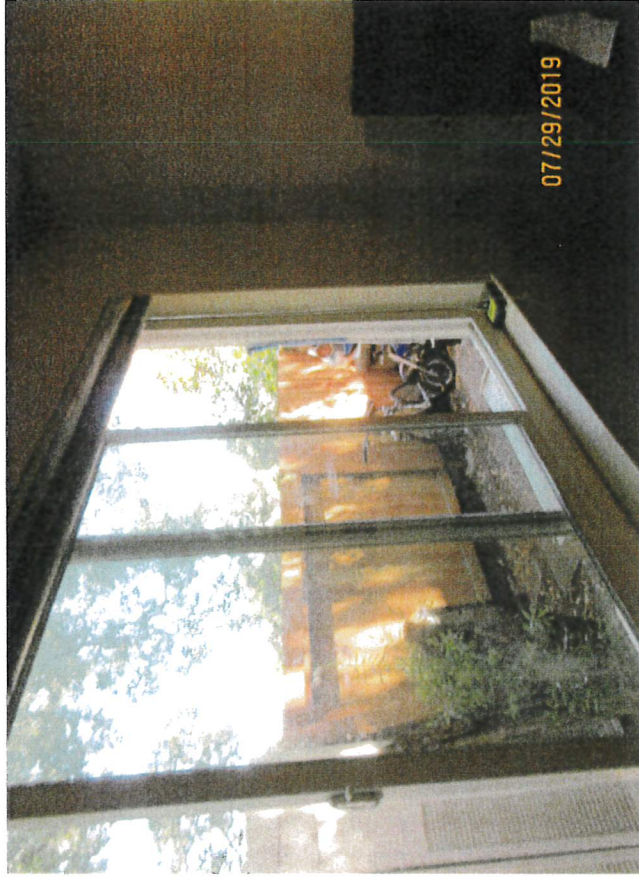
2307 Heidi Pl #1
Moisture readings on bedroom window sill reading %37



2307 Heidi Pl #1
Moisture readings on bedroom window sill reading 40%



2307 Heidi Pl #1
Moisture readings on bedroom window sill reading 47%

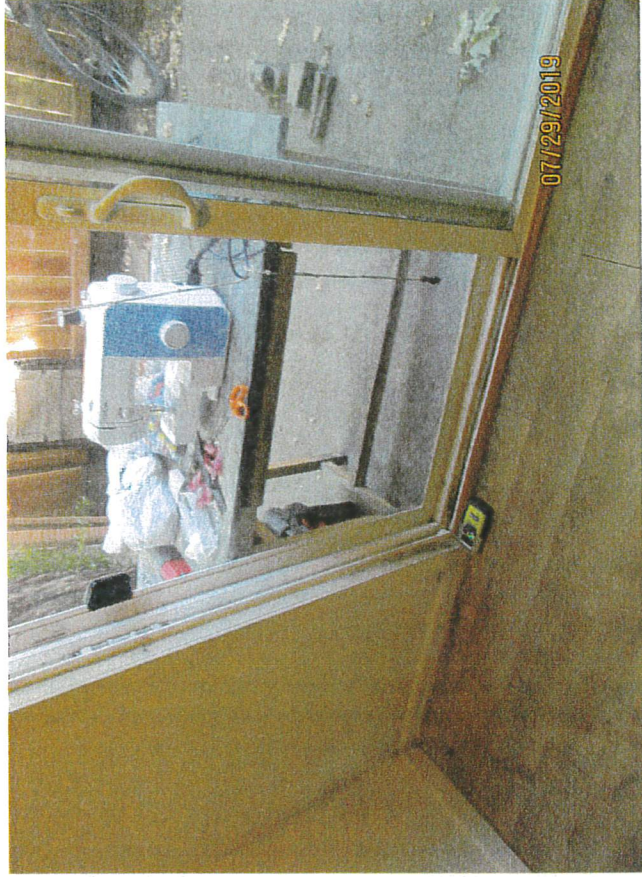
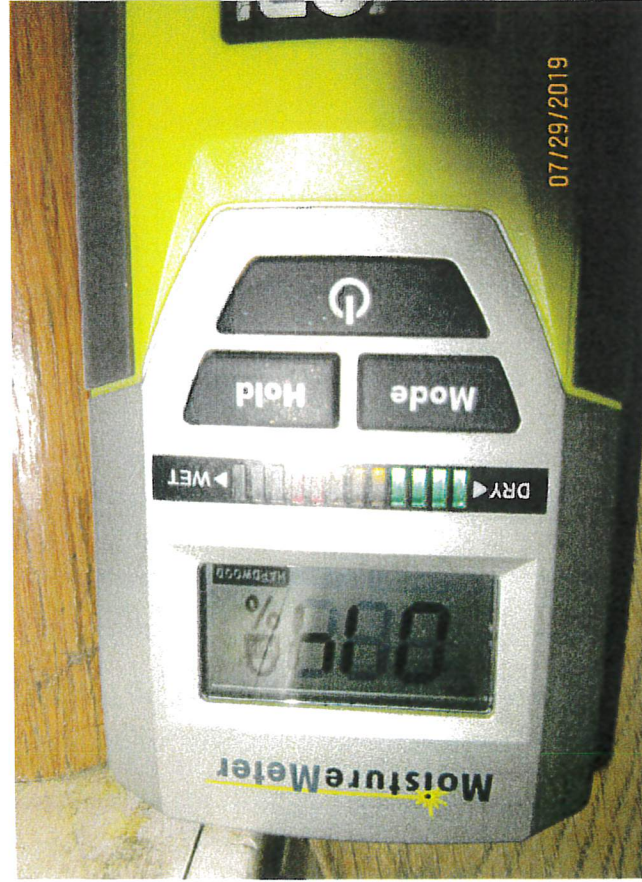


2307 Heidi Pl #1
Water staining and mildew on window sill



2307 Heidi PI #1

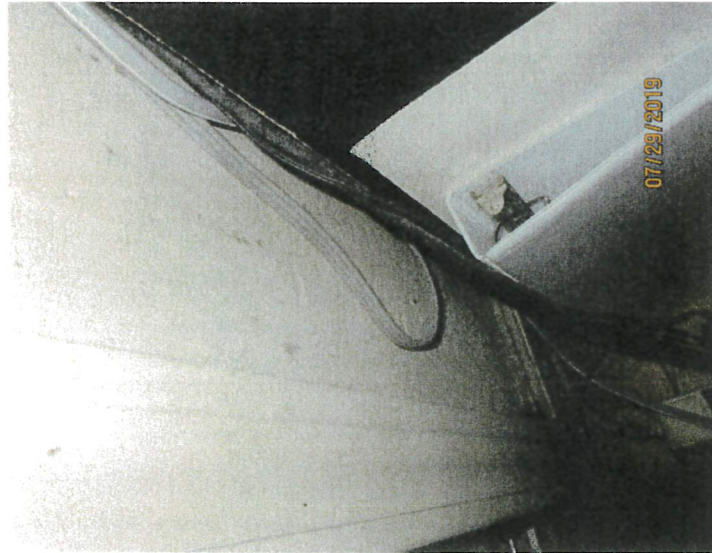
Moisture reading for hardwood floor 16%



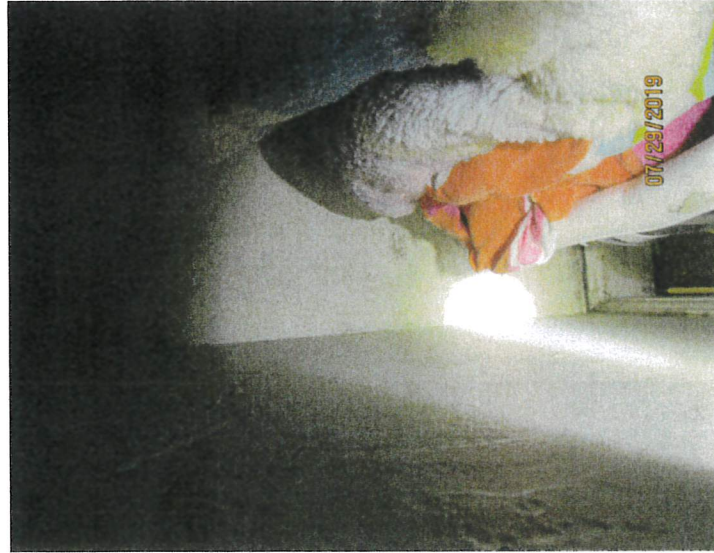
2307 Heidi Pl #1
Mold and mildew on corner wall



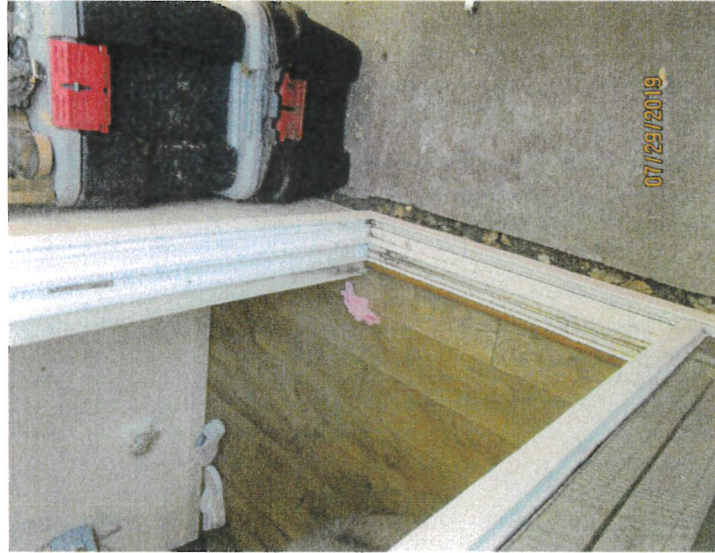
2307 Heidi Pl #1
Mold and mildew at baseboard in bedroom



2307 Heidi Pl #1
Mold and mildew in closet area



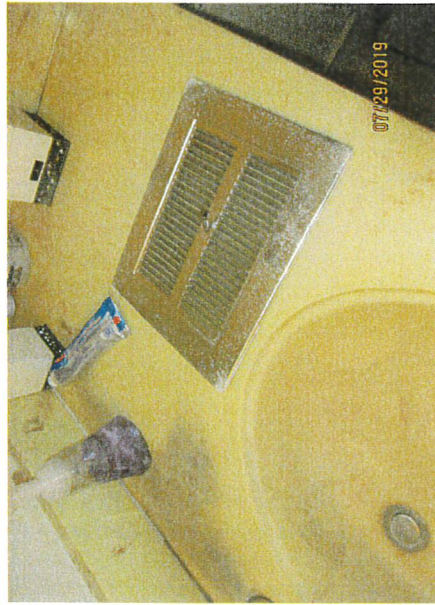
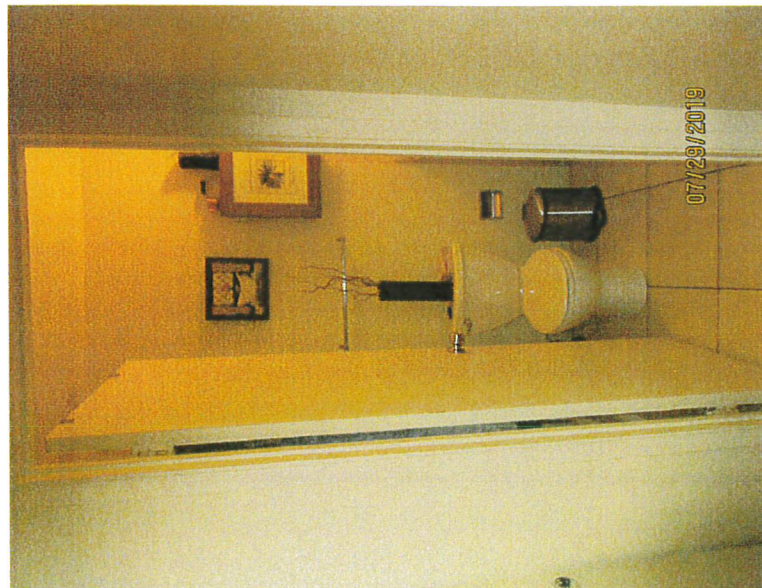
2307 Heidi Pl #1
Exterior bedroom area and door



2307 Heidi Pl #1
Exterior bedroom, slider door and drainage



2307 Heidi Pl #1
Vent fan removed by tenant

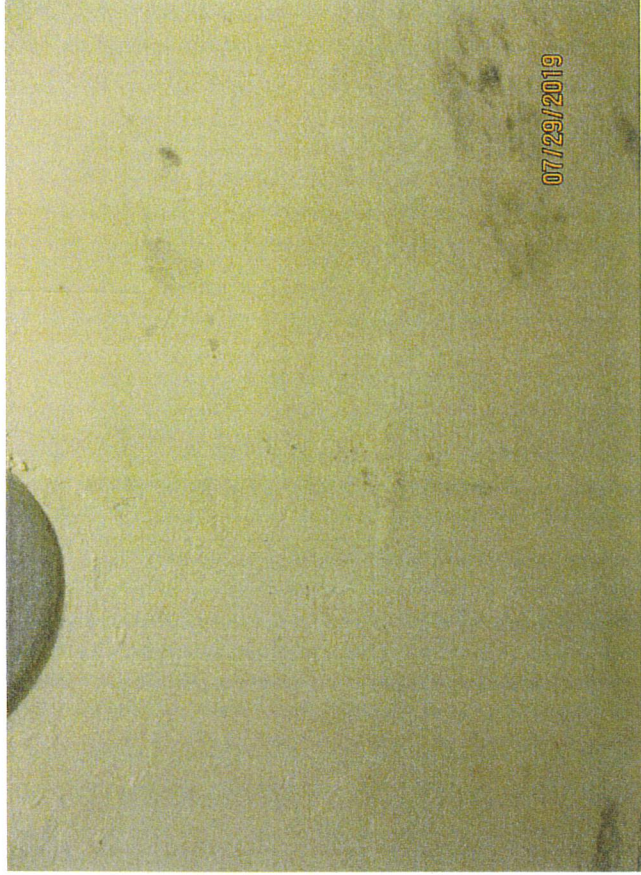
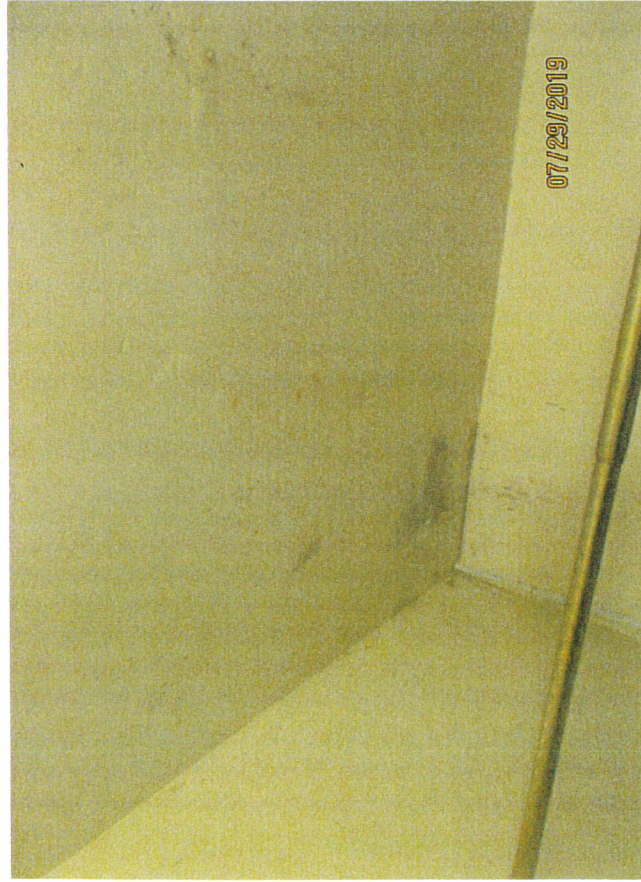


2307 Heidi Pl #1 Mold in bathroom

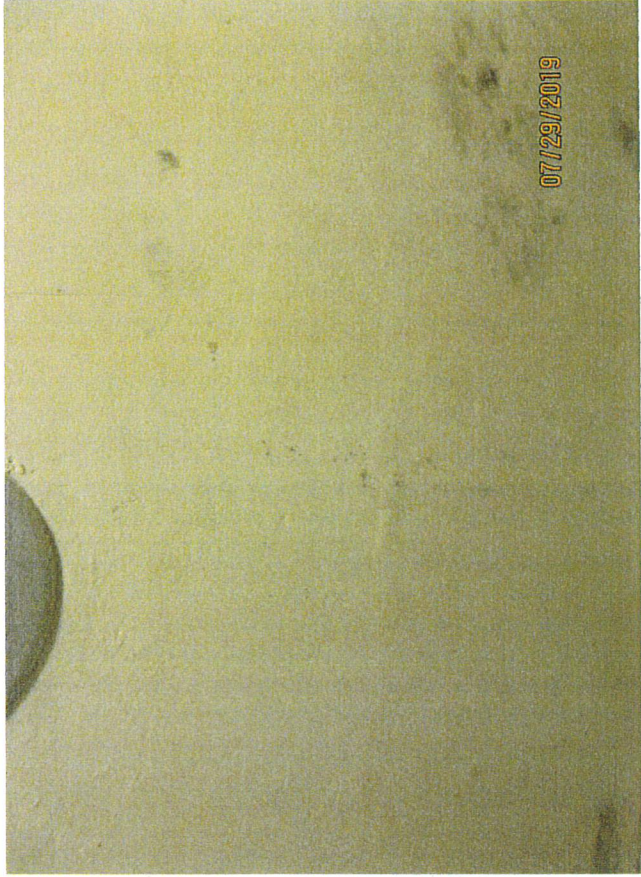
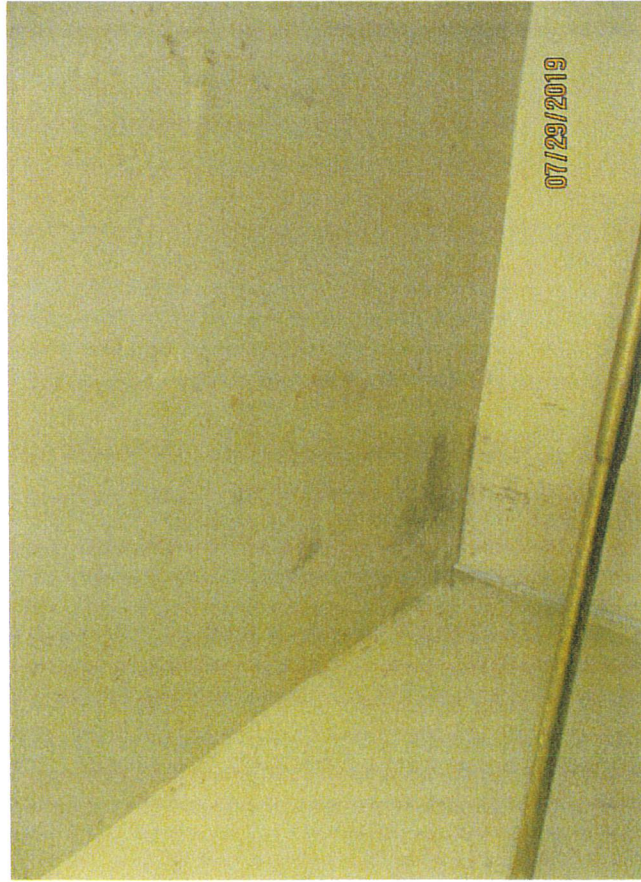


2307 Heidi Pl #1

Mold in bathroom ceiling above shower

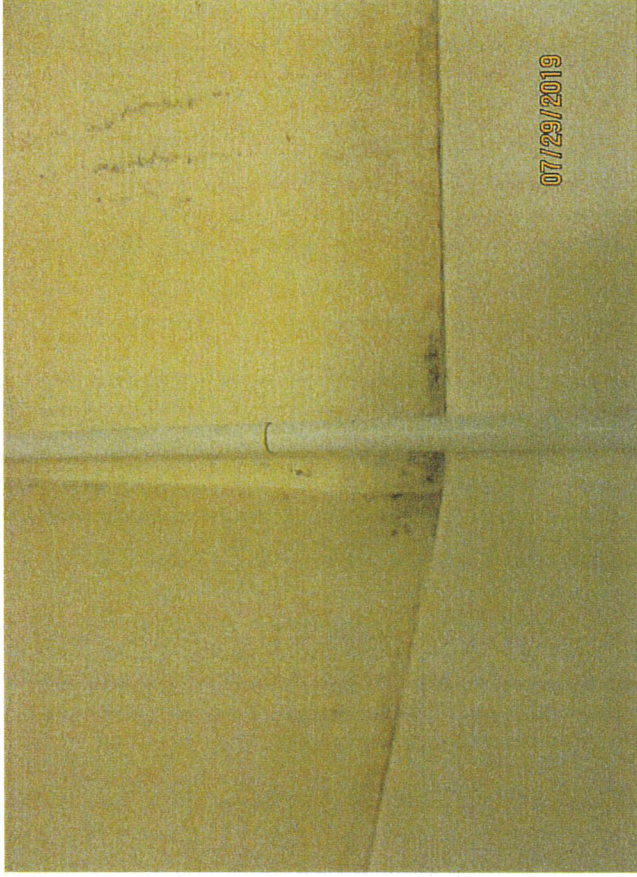
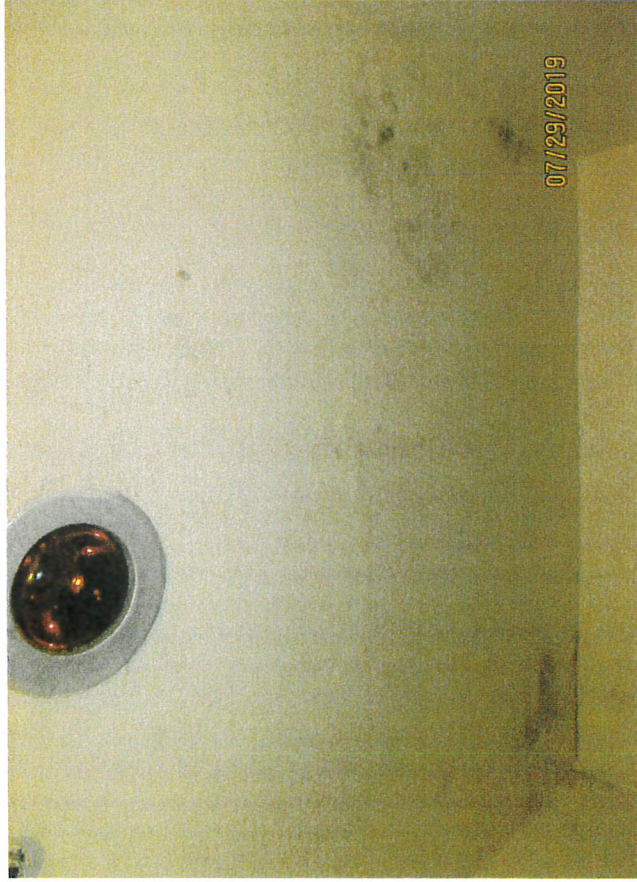


2307 Heidi Pl #1



2307 Heidi Pl #1

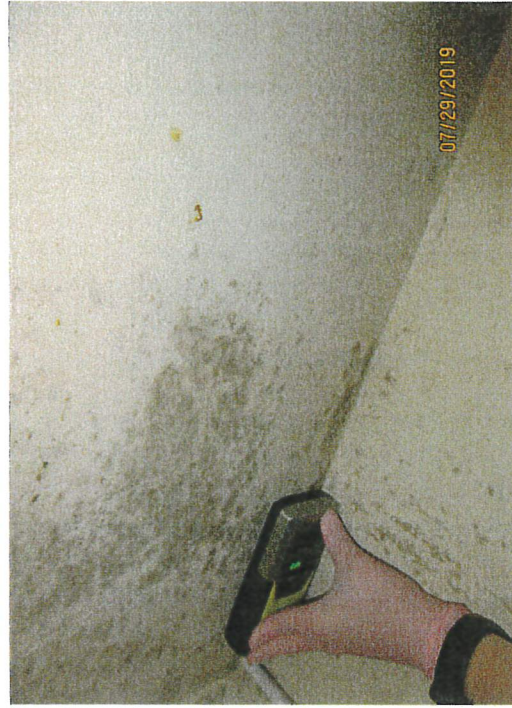
Mold in bathroom shower



2307 Heidi PI #1 moisture readings in bathroom shower 36%



07/29/2019

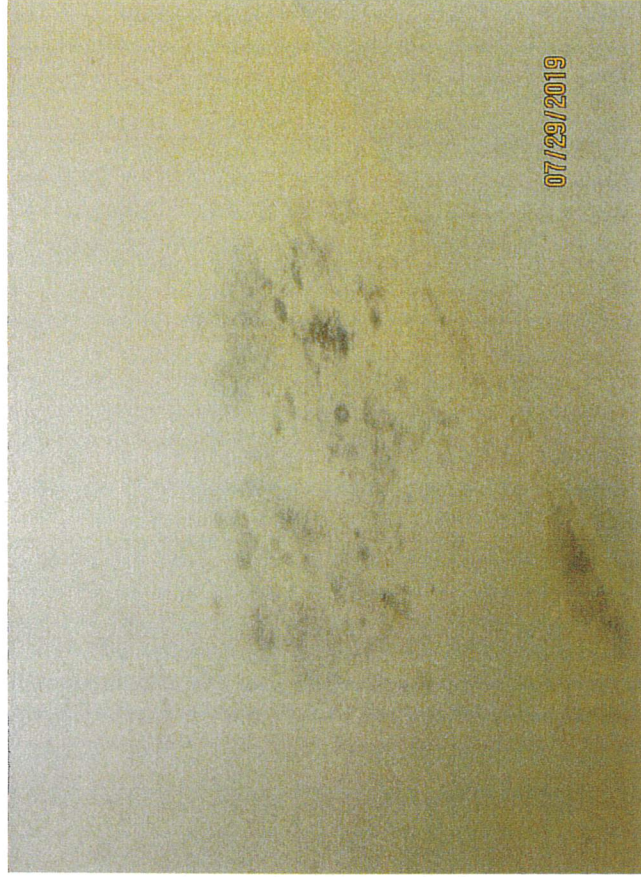
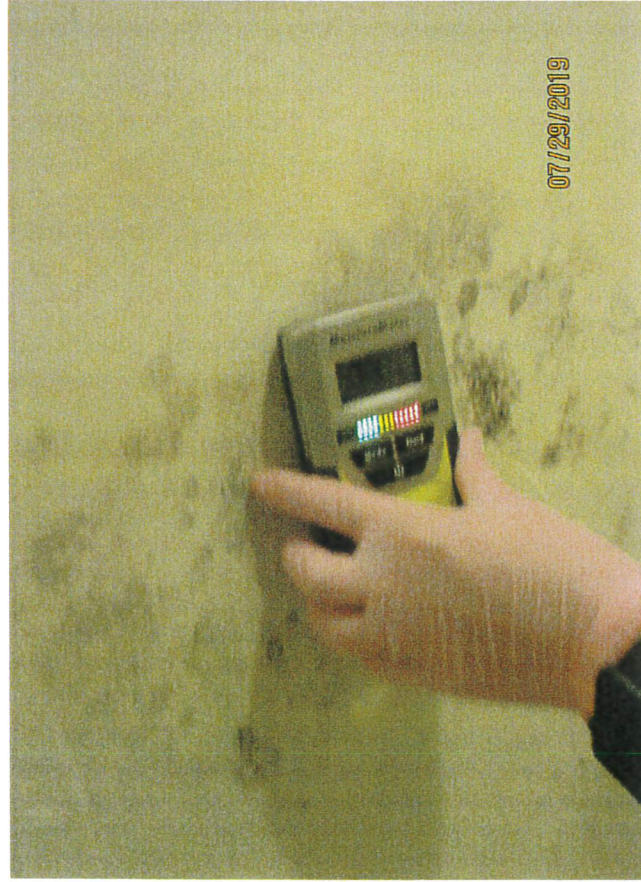


2307 Heidi PI #1

Readings as high as 96%



2307 Heidi Pl #1 Moisture reading 70%





July 30, 2019

AGA Investment LLC
152 C Street
San Rafael, CA 93401

George Goodwin Realty, Inc
1901 Lawton St Corner 25th Ave
San Francisco, CA 94122

NOTICE OF VIOLATION AT: 2307 HEIDI PLACE #1

APN: 041-180-016

ZONE: R-3-15-SA

FILE NO. CE19-0515

An inspection of your property at 2307 Heidi Place #1 on July 29, 2019 revealed the following violations of the Santa Rosa City Code (SRCC):

1. SRCC Sec. 18-20-305.3 Interior surfaces – Mold growth throughout living room window, living room baseboards, walls, both bedroom windows and walls and bathrooms.

You are 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 <https://acac.org/find/database.aspx>. Prior to testing, please have your assessment specialist call me at (707) 543-3229 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: Cassidy Anderson
90 Santa Rosa Ave
Santa Rosa, CA 95404

Email: cganderson@srcity.org
Fax: (707) 543-3317

You are hereby requested to submit all necessary plans and obtain all necessary approvals, permits and inspections for your property **within 14 days** of the date of this letter. 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) 543-3229 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.



Cassidy Anderson
Code Enforcement Officer
Housing and Community Services

cc: File
Tenant

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 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

Santa Rosa City Code (SRCC)

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.



**NOTICE AND ORDER
NOTICE TO VACATE**

**2307 HEIDI PLACE, UNIT 1
SANTA ROSA, CA 95403**

July 30, 2019

CERTIFIED MAIL, Return Receipt Requested

AGA Investment LLC
152 C Street
San Rafael, CA 93401

George Goodwin Realty, Inc
1901 Lawton St Corner 25th Ave
San Francisco, CA 94122

NOTICE AND ORDER LEGAL PROPERTY DESCRIPTION: DOC. NO. 2016098273

LEGAL OWNER OF RECORD: AGA Investment LLC
LEGAL ADDRESS: 2307 Heidi Place, Unit 1
Santa Rosa, CA 95403

ASSESSOR PARCEL NUMBER: 041-180-016 CITY ZONING DESIGNATION: R-3-15-SA
CASE NO: CE19-0515 CODE OFFICER: CGA

The City of Santa Rosa desires your cooperation and prompt resolution of housing concerns. In accordance with applicable State and local codes, the Deputy Code 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. SRCC Sec. 18-20.301.2 Responsibility – Owner of the premises has failed to maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter.
2. SRCC Sec. 18-20-305.3 Interior surfaces – Mold growth throughout living room window, living room baseboards, walls, both bedroom windows and walls and bathrooms

The dwelling unit at **2307 Heidi Place, Unit 1** was inspected by Code Enforcement Officer, Cassidy Anderson on July 29, 2019. At that time, it was observed that there are substandard

living conditions. Based on the inspection, occupancy represents a danger to the safety and health of any occupants.

California Health and Safety Code 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 of the following listed 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 a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
- (13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.
- (14) General dilapidation or improper maintenance.

(15) Lack of connection to required sewage disposal system.

(16) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

(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, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, 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, roofs, 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 that are specifically allowed or approved by this code, and that 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 2307 Heidi Place, Unit 1 immediately, and to keep it vacated until all required permits are obtained, necessary repairs have been completed and inspections, to verify compliance, are performed.

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 fifteen (15) days from the date of service of such Notice and Order, 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

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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 based on visual observations that the responsible party has failed to maintain the structure adequately and 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 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.

Any person(s) having any record title or legal interest in the property and structures at **2307 Heidi Place, Unit 1** 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 Deputy Code 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
Housing and Community Services
Deputy Code Official: David Gouin
90 Santa Rosa Avenue
Santa Rosa, CA 95404**

Your cooperation would be greatly appreciated. Please call Senior Code Enforcement Officer Mark Maystrovich at **543-3268**, if you would like an appointment to discuss this matter.

Carlita Hand for David Gouin

David Gouin – Deputy Code Official/Director
Housing and Community Services

7/30/2019
Date

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

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 July 30, 2019, I served the attached:

NOTICE AND ORDER TO VACATE

for

2307 Heidi Place, Unit 1

Santa Rosa, CA 95403

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

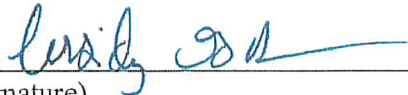
AGA Investment LLC
152 C Street
San Rafael, CA 93401

George Goodwin Realty, Inc
1901 Lawton St Corner 25th Ave
San Francisco, CA 94122

[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 July 30, 2019, Santa Rosa, California.

Cassidy Anderson
(Type or print name)


(Signature)

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 July 30, 2019, I served the attached:

NOTICE AND ORDER TO VACATE

for

2307 Heidi Place, Unit 1

Santa Rosa, CA 95403

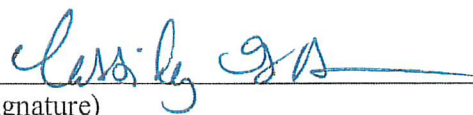
On the following parties to this action by placing a true copy therein in a sealed envelope, addressed as follows:

2307 Heidi Place, Unit 1
Santa Rosa, CA 95403

☒ (BY PERSONAL SERVICE) I caused each such envelope to be delivered by hand to the addressee(s) noted above.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 30, 2019, Santa Rosa, California.

Cassidy Anderson
(Type or print name)


(Signature)

LAW OFFICES OF ETHAN A. GLAUBIGER
740 Fourth Street, 2nd Floor, Santa Rosa, CA 95404
Tel: (707) 578-4505 Fax: (707) 578-0409

Ethan A. Glaubiger, California State Bar #157485
LAW OFFICES OF ETHAN A. GLAUBIGER
740 Fourth Street, 2nd Floor
Santa Rosa, California 95404
(707) 578-4505

Attorneys for Appellant
AGA INVESTMENTS, LLC

BOARD OF BUILDING AND REGULATION APPEALS
CITY OF SANTA ROSA

IN RE

2307 HEIDI PLACE, UNIT 1
SANTA ROSA, CA 95403

Case No: CE19-0515

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that AGA INVESTMENTS, LLC appeals the Notice and Order to Vacate dated July 30, 2019 issued by the City of Santa Rosa Housing and Community Services Department regarding the real property commonly known as 2307 Heidi Place, Unit 1, Santa Rosa, CA 95403 (the "property").

Partial grounds for this appeal are that, as of this date, it has not been established that any uninhabitable conditions were created by the landlord or that the landlord had notice and a reasonable time to remediate any uninhabitable conditions.

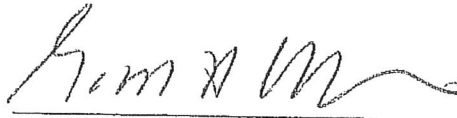
LAW OFFICES OF ETHAN A. GLAUBIGER
740 Fourth Street, 2nd Floor, Santa Rosa, CA 95404
Tel: (707) 578-4505 Fax: (707) 578-0409

1 Further, based on information and belief, any uninhabitable conditions which may be
2 found to exist were caused by the tenant due to the unit being occupied by more than the two
3 approved tenants in violation of the lease and tenants' failure to properly ventilate the unit.

4 Dated: August 16, 2019

LAW OFFICES OF ETHAN A. GLAUBIGER

5
6 By:



7 ETHAN A. GLAUBIGER
8 Attorney for Appellant,
9 AGA INVESTMENTS, LLC
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PROOF OF SERVICE BY HAND

I declare that I am employed in the County of Sonoma, California.

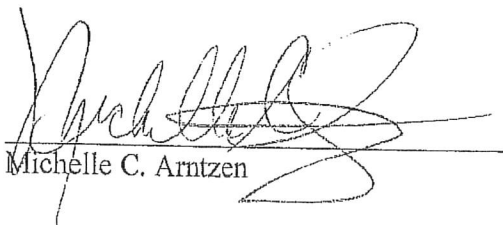
I declare that I am over the age of eighteen years and not a party to the within entitled action. My business address is 740 Fourth Street, 2nd Floor, Santa Rosa, California, 95404.

On August 8, 2019, I served the **NOTICE OF APPEAL** on the interested party in said case by handing a true copy to

Clerk, Code Enforcement Department
CITY OF SANTA ROSA
90 Santa Rosa Avenue
Santa Rosa, CA 95404

VIA MAIL & EMAIL
Christian Fierro, Esq.
411 Russell Ave.
Santa Rosa, CA 95403

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 8, 2019, at Santa Rosa, California.


Michelle C. Arntzen



Housing and Community Services
100 Santa Rosa Avenue Room 3
Santa Rosa, CA 95404
(707) 543-3198 Fax (707) 543-4315

PAYMENT RECEIPT: 173650
CASHIER: LMC
DATE: 08/08/2019

Receipt

Record Information

| Record Number | Record Name | Site Address | APN |
|---------------|---------------------------|-----------------|-----------|
| CE19-0515 | HRS - Substandard Housing | 2307 HEIDI PL 1 | 041180016 |

Fee Information

| Description | Account Code | Invoice# | Amount |
|-------------------------|--------------|----------|----------|
| Code Enforcement Appeal | 001100-4828 | 150929 | \$707.00 |
| Total Fee Amount: | | | \$707.00 |

Payment Information

| Method | Reference No | Comments | Transaction Amount |
|--------|--------------|----------|--------------------|
| Check | 11275 | | \$707.00 |

| | | |
|-------------------|---------------|----------|
| Payor | Total Amount: | \$707.00 |
| Ethan A Glaubiger | | |

From: [Anderson, Cassidy](#)
To: ryanlawoffices@comcast.net
Subject: 2307 Heidi Place #1
Date: Thursday, August 15, 2019 10:18:00 AM

Hello Ms. Ryan,

I spoke with my supervisor Mr. Maystrovich and he stated that an extension is fine for obtaining permits. Please provide me a copy of the Environmental Report when you/management are able to give the tenants notice to enter the unit. I went by 2307 Heidi Place #1 and it did not appear that the tenants were home.

Should you have any questions or wish to discuss anything further do not hesitate to contact me,

Cassidy G. Anderson | Code Enforcement Officer

Code Enforcement | Neighborhood Revitalization Program

Housing & Community Services | 90 Santa Rosa Ave. | Santa Rosa, CA 95404

Tel. (707) 543-3229 | Fax (707) 543-3317 | cganderson@srcity.org

