


CITY OF SANTA ROSA
DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT
CODE ENFORCEMENT DIVISION

DATE: JANUARY 15, 2025

TO: BOARD OF BUILDING REGULATIONS APPEALS

FROM: LOU KIRK, C.B.O. 
ASSISTANT CHIEF BUILDING OFFICIAL

SUBJECT: STAFF REPORT - RESPONSE TO AN APPEAL OF AN
ADMINISTRATIVE NOTICE AND ORDER TO VACATE RESULTING
FROM MULTIPLE VIOLATIONS OF HEALTH AND SAFETY
REGULATIONS OCCURRING UPON CERTAIN REAL PROPERTY
LOCATED AT 961 STONY POINT ROAD, APN 035-121-052, IN THE
CITY OF SANTA ROSA.

CASE NO: CE18-0320

RECOMMENDATION

The City of Santa Rosa respectfully recommends that the Board of Building Regulations Appeals, upon reviewing this staff report and considering all relevant testimony and evidence presented during the Appeal Hearing, deny the appeal of tendered by Gary and Lili Pigsley and uphold staff's issuance of a Notice and Order to Vacate.

INTRODUCTION

I am the Assistant Chief Building Official for the City of Santa Rosa. My duties include oversight and management of the Permit Services and Code Enforcement Divisions. I am certified as a Chief Building Official through the International Code Council and possess over 39 years of continuous experience in the code enforcement profession.

I am authorized to investigate, inspect, identify, and act on conditions of violation upon public or private properties. I am thoroughly familiar with the drafting, adoption, interpretation, and enforcement of municipal codes and other incorporated regulations. I have personal knowledge of the facts stated within this staff report and, if so called, can and will competently testify thereto.

STAFF REPORT

RESPONSE TO AN APPEAL OF AN ADMINISTRATIVE NOTICE AND ORDER TO VACATE RESULTING FROM MULTIPLE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS OCCURRING UPON CERTAIN REAL PROPERTY LOCATED AT 961 STONY POINT ROAD, APN 035-121-052, IN THE CITY OF SANTA ROSA

PAGE 2 OF 9

BACKGROUND/SUMMARY

961 Stony Point Road (hereinafter, the “Subject Property”) is a 0.35-acre residential property, situated near the intersection of Stony Point Road and Sebastopol Road, and lies within the R-1-6 zoning designation. The property was annexed into the City of Santa Rosa in 1992. The property has been owned by Gary A. Piglsey (one of the appellants) since 1988. A 1989 grant deed conveying a right of way dedication listed Gary A. and Bonnie Ilene Piglsey as joint tenants, and a 2017 grant deed listed Gary A. Pigsley and Lili F. Piglsey (the second appellant) as joint tenants.

First developed in 1963 with a single-family dwelling, a detached garage was added in 1987. A workshop constructed in 1990 was subsequently converted into a legal second unit in 2002.

Since 1995, the Subject Property has been the subject of numerous, recurring Code Enforcement complaints and actions stemming from a chronic failure to adequately maintain the property, evidenced by substantial accumulations of stored, unused, or discarded trash, items, and debris.

On October 28, 2024, Code Enforcement received notification from the City’s Water Department that the water account for the Subject Property had been discontinued for non-payment since May 8, 2024. The Water Department further advised that – while there is a well on the property – the last well certification provided by the property owner (in 2015) indicated that the well is suitable for outdoor use only, meaning that the unit normally served by City water no longer meets habitability requirements.

Accordingly, in recognition of the lack of potable water and accumulations of stored, unused, or discarded trash, items and debris, Code Enforcement posted the property with a Notice and Order to Vacate on October 30, 2024. This Notice and Order to Vacate is the subject of the appeal before you today.

RELEVANT CODE SECTIONS

Santa Rosa City Code [“SRCC”] Title 18, Buildings and Construction, Section 18-04.015 adopts by reference and amends the International Property Maintenance Code [“IPMC”] as if it were set forth within the SRCC in its entirety.

IPMC Section 18-20.301.2, Responsibility, provides:

STAFF REPORT

RESPONSE TO AN APPEAL OF AN ADMINISTRATIVE NOTICE AND ORDER TO VACATE RESULTING FROM MULTIPLE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS OCCURRING UPON CERTAIN REAL PROPERTY LOCATED AT 961 STONY POINT ROAD, APN 035-121-052, IN THE CITY OF SANTA ROSA

PAGE 3 OF 9

“The owner of the premises shall maintain the structures and exterior property in compliance with these requirements (of the IPMC), 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.** Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.”
[Emphasis Added]

IPMC Section 18-20.111.1.3, Structure unfit for human occupancy, provides:

“A 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 the public.”

[Emphasis Added]

IPMC Section 18-20.505.1, Plumbing fixture connections, provides:

“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 California Plumbing Code.”

[Emphasis Added]

California Health and Safety Code Section 17920.3 provides:

Any building or portion thereof, regardless of zoning designation or approved uses of the building, 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 occupants of the building, nearby residents, or the public shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

STAFF REPORT

RESPONSE TO AN APPEAL OF AN ADMINISTRATIVE NOTICE AND ORDER TO VACATE RESULTING FROM MULTIPLE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS OCCURRING UPON CERTAIN REAL PROPERTY LOCATED AT 961 STONY POINT ROAD, APN 035-121-052, IN THE CITY OF SANTA ROSA

PAGE 4 OF 9

(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

STAFF REPORT

RESPONSE TO AN APPEAL OF AN ADMINISTRATIVE NOTICE AND ORDER TO VACATE RESULTING FROM MULTIPLE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS OCCURRING UPON CERTAIN REAL PROPERTY LOCATED AT 961 STONY POINT ROAD, APN 035-121-052, IN THE CITY OF SANTA ROSA

PAGE 5 OF 9

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 that 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 that list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys that 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

STAFF REPORT

RESPONSE TO AN APPEAL OF AN ADMINISTRATIVE NOTICE AND ORDER TO VACATE RESULTING FROM MULTIPLE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS OCCURRING UPON CERTAIN REAL PROPERTY LOCATED AT 961 STONY POINT ROAD, APN 035-121-052, IN THE CITY OF SANTA ROSA

PAGE 6 OF 9

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 the chief's 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.

STAFF REPORT

RESPONSE TO AN APPEAL OF AN ADMINISTRATIVE NOTICE AND ORDER TO VACATE RESULTING FROM MULTIPLE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS OCCURRING UPON CERTAIN REAL PROPERTY LOCATED AT 961 STONY POINT ROAD, APN 035-121-052, IN THE CITY OF SANTA ROSA

PAGE 7 OF 9

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.

[Emphasis Added]

ANALYSIS

The appellants present several arguments in their appeal of the Notice and Order to Vacate. Each of these arguments is addressed below, followed by the City's counter-position:

1. *“The premises is (sic) fine and safe for occupancy. Our property is well maintained, sanitized, comply (sic) with health and safety code. We are happy living here.”*
- The premises are not fine, nor are they safe for occupancy. The property is not well maintained, sanitized, or compliant with the Health and Safety Code. The premises has lacked legal water service since May 8, 2024, and continues not to have legal water service as of the date this report was prepared (January 7, 2025). The property has existed continuously, from prior to October 30, 2024, to

STAFF REPORT

RESPONSE TO AN APPEAL OF AN ADMINISTRATIVE NOTICE AND ORDER TO VACATE RESULTING FROM MULTIPLE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS OCCURRING UPON CERTAIN REAL PROPERTY LOCATED AT 961 STONY POINT ROAD, APN 035-121-052, IN THE CITY OF SANTA ROSA

PAGE 8 OF 9

as recently as January 6, 2025, in a state of public nuisance due to substantial accumulations of discarded, stored, or unused items, trash and debris resulting from a lack of maintenance.

2. *"We have hot and cold water."*

- As stated previously, the premises has been without legal water service since May 8, 2024. While a well exists on the property, the most recent Well Certification filed by the property owners indicate that the well is suitable "for outdoor use only."
- 3. *"The city is (sic) lack of responsibility to maintain the surrounding neighborhoods, caused our property (sic) infected by homeless people and randoms (sic) people from the public; they are intruding our (sic) property, causing unsafe conditions to our life conditions. For example, the homeless people living in the dumpster shed next to our property at rite aid parking lot, they are living there unsafe, they pee and poo in the dumpster and on the parking lot, causing rat infestation, and all kinds unsafe (sic) conditions, affecting our property. They leave their garbages (sic) in our property, stole ours and other neighbors belongings as well."*
- Property owners are responsible for the maintenance of their own properties. This argument is considered diversionary and irrelevant. Furthermore, the appellant's claim of "unsafe conditions" on their property contradicts their own initial assertion that the premises are "fine and safe for occupancy."

In support of the City's counter-positions to appellants three points of appeal, please find the following supporting evidence attached to this staff report:

1. **Email from City Water Department (October 28, 2024):** Confirms water service disconnection due to non-payment and indicates that the well is suitable for outdoor use only.
(Attachment 1)
2. **Notice from City Water Department (January 7, 2025):** Reaffirms water service disconnection and notifies the Sonoma County Department of Health regarding the potential health hazard.
(Attachment 2)
3. **Photographs (October 30, 2024):** Documenting property conditions at the time the Notice and Order to Vacate was issued.
(Attachment 3, 15 pages)
4. **Photographs (December 4, 2024):** Documenting property conditions.
(Attachment 4, 7 pages)

STAFF REPORT

RESPONSE TO AN APPEAL OF AN ADMINISTRATIVE NOTICE AND ORDER TO VACATE RESULTING FROM MULTIPLE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS OCCURRING UPON CERTAIN REAL PROPERTY LOCATED AT 961 STONY POINT ROAD, APN 035-121-052, IN THE CITY OF SANTA ROSA

PAGE 9 OF 9

5. **Photographs (January 3, 2025):** Documenting property conditions.
(Attachment 5, 4 pages)
6. **Photographs (January 6, 2025):** Documenting property conditions; taken by Adult Protective Services personnel.
(Attachment 6, 3 pages)

SUMMARY

The attached documentation and images clearly demonstrate that the premises are legally uninhabitable and that the property's condition constitutes an unmaintained public nuisance. The code references that have been provided support the City's contention that the October 30, 2024, issuance of a Notice and Order to Vacate was both proper and necessary given the facts surrounding the premises.

The City contends that the appellants' arguments are factually incorrect and wholly insufficient to overturn the issuance of the Notice and Order to Vacate

In consideration of all of the above, staff requests that the Board of Building Regulations Appeals deny appellant's claims and uphold the action of the City in posting the premises as uninhabitable.

ATTACHMENTS

1. Email dated October 28, 2024
2. Water Department notice dated January 7, 2025
3. Code Enforcement Photos dated October 30, 2024
4. Code Enforcement Photos dated December 4, 2024
5. Code Enforcement Photos dated January 3, 2025
6. Adult Protective Services Photos dated January 6, 2025