

CITY OF SONOMA

BOARD OF APPEALS



SPECIAL MEETING
Monday, October 5, 2015, 4:00 p.m.
Community Meeting Room
177 First Street West, Sonoma CA

Board Members
David Cook, Chair
Laurie Gallian, Vice Chair
Madolyn Agrimonti
Gary Edwards
Rachel Hundley

1. OPENING

Chair Cook called the meeting to order at 4:00 p.m.

PRESENT: Boardmembers Agrimonti, Edwards, Gallian, Hundley, and Mayor Cook
ABSENT: None

ALSO PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Contractual Attorney Danforth, Building Official Wirick, Building Inspector Bailey, Plans Examiner Burroughs, Fire Marshal Alan Jones

2. COMMENTS FROM THE PUBLIC - None

3. PUBLIC HEARING

Item 3A: APPEAL OF BART KEMP AND GREG STUBBS OF THE NOTICE OF NUISANCE AND SAFETY ORDER TO ABATE SAID VIOLATIONS ISSUED BY THE CITY BUILDING DEPARTMENT, DATED JULY 17, 2015 FOR 20141 BROADWAY.

City Attorney Walter explained the hearing procedures and speaker time limits. Assistant City Manager / City Clerk Johann swore in those who intended to speak.

Building Official Wirick described, in detail, the events and circumstances that resulted in staff's conclusion that the home, owned and occupied by Mrs. Castillo, constituted substandard housing as defined in the State Housing Law. He reported that on July 15, 2015 Building Inspector Bailey prepared and delivered a notice and order to Mrs. Castillo to vacate and discontinue use of the substandard housing and abate the substandard conditions by repair or demolition. On July 17, 2015 Mr. Bailey delivered a corrected Notice of Nuisance and Safety Violation(s) and Order to Abate Said Violations to Mrs. Castillo and discussed with her possible options for alternative housing and correcting the substandard conditions at the property. The notice enumerated the violations observed and ordered that:

- a) The use be immediately discontinued and the substandard housing vacated until such time that all of the substandard housing conditions are satisfactorily abated by repair, replacement or removal, as appropriate, and that said abated conditions be inspected and approved by the City of Sonoma Building Department. Pursuant to CA Health and Safety Code section 17980(a) the vacation of the home was ordered to prevent or remedy an immediate threat to the health and safety of the public or occupants of the structure; and
- b) to discontinue and correct or otherwise abate by repair, replacement or removal all of the violation(s) stated above not later than October 15, 2015.

Wirick stated that on July 31, 2015, an appeal of the Notice and Order was filed with the City Clerk by Bart Kemp and Greg Stubbs. The general basis for the appeal was that Mrs. Castillo had limited, if any, financial resources to repair the home and relocate to other housing, and if she was forced to leave her home she would become homeless. He said the appeal hearing was originally scheduled and noticed for September 9, 2015 but was rescheduled to a later date at the request of the appellants.

Gregory E. Stubbs, appearing pro-bono on behalf of Mrs. Castillo, said he was not contesting the report. He provided some personal history of Mrs. Castillo explaining that she was under a reverse mortgage and had no means to repair the home. Mr. Stubbs stated he did not want to see Mrs. Castillo end up homeless and requested an extension of time giving her three or four more weeks before she was forced out. He said she had applied for housing at FAHA Manor and was on the waiting list.

Discussion ensued amongst Boardmembers regarding the deficiencies in the home, possible remedies, and what would be best for Mrs. Castillo. It was moved by Boardmember Hundley, seconded by Boardmember Gallian, to direct the Appellant to vacate the property on or before October 31, 2015, the beginning of the normal rainy season; and (1) to decide whether to repair or demolish the substandard structures by November 30, 2015; (2) if she decides to make repairs, to provide the Building Department with a Structural Pest Inspection Report by December 30, 2015 and complete all repairs by January 26, 2016; and (3) if she decides to demolish, to complete demolition by December 30, 2015. The motion carried four to one, Boardmember Edwards dissenting.

4. ADJOURNMENT

The meeting was adjourned at 5:14 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council acting as the Appeals Board on the 2nd day of November 2015.

Gay Johann
Assistant City Manager / City Clerk