Qe

Type

Plans

VB408-0163

Permit Number

1599

Street Number

Hampton Way

Street Name

Bel

Community Code

125-081-021

APN

#2 Violation Complaint Form
CDE-001

VCM08-0240

4/3/08 | DG DW | City of SR | 543-3231
Date Received | Staff | Complainant | Phone #

1. Property Address 1599 Hampton Way Bel
City _____ Assessor's Parcel # 125-081-021
Zoning _____ Parcel Size _____
Property Owner's Name _____ Phone # _____
Owner's Mailing Address _____

2. Nature of the Complaint (Check Box(es) and describe)

☐ **Zoning Code Violation(s)** **Violation No.** _____

☐ **Health Code Violation(s)** **Violation No.** _____

☐ **Building Code Violation(s)** **Violation No.** VBU08-0163

☑ Construction without Permit(s) No hand rail on staircase and mezzanine.

☐ Hazardous / Substandard (Specify) _____

☐ **Grading / Fill without Permit(s)** **Violation No.** _____

CODE ENFORCEMENT STAFF USE ONLY BELOW THIS LINE

3. Report of Investigation

Date	
5-1-2008	Site inspection, at "Econo Sweep" 1599 Hampton way CWOP for Unpermitted Stairs & Mezzanine
	"Donati Automotive" Site inspection at 1599 Hampton way CWOP for Reissued Stop, CWOP Room Divided, CWOP 2nd Story Mezzanine, electrical, plumbing & air Holes,
5-20-08	Mailed copy of Vio Notice & Plan check requirements to Designer: Jeff Parrza 578-5542

☑ Letter 1st CWOP ☐ Track ☐ Letter 1st CWOP ☐ Track ☐ Letter _____ ☐ Track
☐ Hold for Deed ☑ Other RECORD

Priority _____ ☐ Date Violation Closed _____ Permit # _____ ☐ Close Tracking

SUPPLEMENTAL ACTIVITY LOG

Site Address: 1599 Hampton Way

Inspector: _____ **Page**____ **of**____

File #: _____

Date/yr:

11/16/12	File review. DEM12-0080 finaled 10/15/12. Costs/penalties paid.
	Please close UB408-0163. MJ.

SUPPLEMENTAL ACTIVITY LOG

Site Address: 1599 HAMPTON WAY

Inspector: _____ **Page**____ **of**____

File #: _____

Date/yr:	
12/20/11	PHIL JOHNSON @ CUSE TO SEE M. FRANCESCHI. LMM
1/10/12	Met P/O @ PRMD. Received recently dismissed problem w/ auto repair tenant in R3 zoning dist. P/O had drawings created to legalize t.f. but will now obtain demo permit to remove improvements since zoning will not approve building permit for auto repair occupancy. P/O needs additional time to remove tenant & create new drawings. Extension request letter will follow. MF.
1/27/12	Extension request email rec'd. Extensions approved. See email response in file.
5/3/12	P/O @ CUSE TO OBTAIN ~~DEM~~ PERMIT DEM12-0080 180 DAYS TO REMOVE ALL IMPROVEMENTS. LMM
7/12/12	File review. DEM12-0080 issued 5/3/12 to expire 10/30/12. Abatement costs paid. Penalties paid on demo permit. QREQ 120 days for final of DEM12-0080. MF

SUPPLEMENTAL ACTIVITY LOG

Site Address: 1599 Hampton Way

Inspector: _____ **Page**____ **of**____

File #: _____

Date/yr:	
6/3/11	Stipulation signed 5/27/11 → See file. 180 days to submit building or demo permit application - 4.5x penalty. Statement costs of $1,584.00 due in 30 days.
	P/O submitted "Recorded Document Release Request." on 5/27/11. OK to process termination since we now have Stip instead of CC&R. Reviewed release request w/ B Neuman.
	QREQ 60 days for payment of abatement costs & create Lien Release & contact P/O when ready for pick-up.
6/16/11	emailed abatement costs
6/17/11	Sent release demand. ~~to~~ on Dan's desk for notary signature.
6/23/11	mailed release after checking Permits Plus for pymt. called Deanna Zuber @ Bank of Marin 415 884 4553 to say was mailed. file closed

SUPPLEMENTAL ACTIVITY LOG

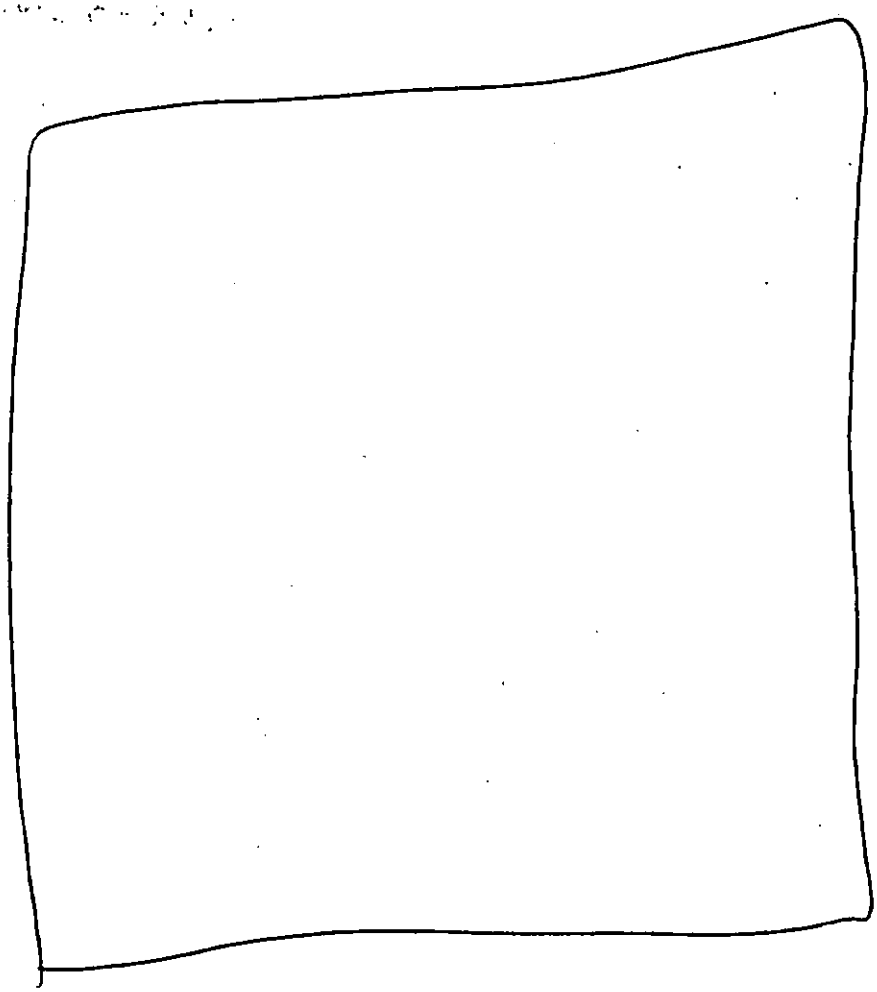
Site Address: 1583

Inspector: Donley / Wood **Page** ____ **of** ____

File #:

PHIL JOHNSON
494-5700

Date:	
7/25	P/O in submitting plans for bldg "A" will submit for "B" 60 DAYS.
10-2-2008	Site inspection meet w/ Phil, Went over Building issues and advised As built plans be submitted and to pull Assessor Records. DG.
3-31-10	File REVIEW – FOUND DEMO PERMIT FINALED 2-3-09 showing staircase was in the ECONO SWEEP Building but applications never submitted to clear was on "Donati Automotive" 2nd FLOOR OFFICE/MEZZANINE. OK TO RECORD.
4/26/11	P/O @ CUBE INTERESTED IN STIPULATED AGREEMENT WILL CALL M. FRANCESCHI. LMW
	pj1roadking@comcast.net



CITY OF SANTA ROSA

DEPARTMENT OF COMMUNITY DEVELOPMENT

FAX COVER SHEET

Administration & Planning	FAX (707) 543-3269
Building	FAX (707) 543-3219
Code Compliance	FAX (707) 543-4315
Engineering & Planning	FAX (707) 543-3218

DATE: April 2, 2008

PLEASE DELIVER THE FOLLOWING 2 PAGES (INCLUDING COVER SHEET) TO:

NAME: SONOMA COUNTY CODE ENFORCEMENT

RE: 1599 HAMPTON WAY

FAX #: 707-565-3767

FROM: ARLYN PACHECO, Sr. Admin. Asst.

FAX #: 707-543-4315 TELEPHONE #: 707-543-3231

I am referring this matter to you as it is a County property, Donati Automotive. Pete Lange, Santa Rosa Fire Department, did a fire inspection of the property and noticed building on the inside with a mezzanine and stairway – no railings. He wants to be sure things are being done to code and would like a code inspection done.

Best regards,

Arlyn Pacheco

CODE ENFORCEMENT LOG

PROJECT INFORMATION

FILE NUMBER: CE08-0278 **STATUS:** CLOSED

NEIGHBORHOOD: NOT IN CC NEIGHBORHOOD

ADDRESS: 1599 Hampton Way SR
PARCEL NO.: 125-081-021
ZONING: COUNTY
PRIORITY RATING: 2
SUB-TYPE: ZCM
ASSIGNED TO: UNA
OWNER: JOHNSON PHILLIP TR ET AL
OWNER ADDRESS: 4591 HEATH CIR
ROHNERT PARK, CA , 94928-0000

DESCRIPTION: WORK INSIDE SHOULD BE INSPECTED FOR ANY CODE VIOLATIONS. FIRE DEPT DID FIRE INSPECTION
AND SAW NO RAILINGS ON MEZZANINE AND STAIRWAY. WANTS TO BE SURE THINGS ARE BEING DONE TO
CODE AND REQUESTING INSPECTION.

04/02/08 - COUNTY PROPERTY. REFERRING TO COUNTY.

STATUS DATE INFORMATION

SUBMITTAL DATE: April 2, 2008

ADMIN HEARING DATE:

DATE CLOSED: April 2, 2008

INSPECTION INFORMATION

Item: 00950 INITIAL INSPECTION
Item: 00955 FOLLOW-UP INSPECTION
Item: 00960 PROGRESS INSPECTION
Item: 00965 WARRANT INSPECTION
Item: 00970 FINAL COMPLIANCE

Mark Franceschi

From: pj1roadking@comcast.net
Sent: Tuesday, November 06, 2012 7:59 AM
To: Mark Franceschi
Subject: Hampton way

Hi Mark, I don't know if you are aware yet, but I had the demo permit signed off at Hampton way. I want to thank you for your patience and understanding in this process.

Phil Johnson

Mark Franceschi

From: Mark Franceschi
Sent: Friday, January 27, 2012 1:54 PM
To: 'pj1roadking@comcast.net'
Cc: Yolanda Solano
Subject: RE: 1599 Hampton Way

Mr. Johnson-

I have received and reviewed your two extension request letters. One is asking for ninety (90) additional days to submit for a demolition and the other is asking for one hundred eighty (180) days to complete the work once that permit is issued.

As you have noted, the Planning Section of PRMD will not approve the demolition permits for issuance as long as the structure is being used for auto repair. Due to these unanticipated zoning issues, additional time is reasonable and both extension requests are approved. Once the unpermitted use is terminated, please let me know so I can verify the use has ceased. I'll report this finding to planning staff so they can process the demolition permit application.

Please let me know if you have any additional questions or concerns.

Mark Franceschi
Code Enforcement Supervisor
County of Sonoma
Permit & Resource Management Department
(707) 565-1922

We will be open Monday through Thrusday from 8:00 a.m. until 4:00 p.m. The lobby will be closed on Friday. PRMD staff will continue to work in the field and will be in the office five days a week working on permitting and planning projects.

From: pj1roadking@comcast.net [mailto:pj1roadking@comcast.net]
Sent: Thursday, January 26, 2012 10:57 AM
To: Mark Franceschi
Subject: 1599 Hampton Way

Hi Mark, included is the two letters asking for an extension on time. Please keep me posted.

Thanks,

Phil Johnson

Mark Franceschi

From: pj1roadking@comcast.net
Sent: Thursday, January 26, 2012 10:57 AM
To: Mark Franceschi
Subject: 1599 Hampton Way
Attachments: Mark Franceschi.docx; Mark Francesch111.docx

Hi Mark, included is the two letters asking for an extension on time. Please keep me posted.

Thanks,

Phil Johnson

Mark Franceschi

2550 Ventura Avenue

Santa Rosa, Ca. 95403

Code enforcement

I am writing this letter to request an extension for an additional 90 days to prepare the plans necessary for the demolition of the unpermitted construction located at 1599 Hampton Way, Santa Rosa.

With the recent discovery that the tenant in place is operating without the needed permits due to the zoning changes in 2007, it is necessary for me to alter my plans to reflect demolition of the existing construction instead of building to code.

I would very much appreciate this extra time to prepare the plans for demolition. My goal is to clear up this problem.

Thank you,

Phil Johnson

Mark Franceschi

2550 Ventura Avenue

Santa Rosa, Ca. 95403

Code Enforcement

I am writing this letter to request an extension on the time allotted for the demolition of the non complying construction located at 1599 Hampton Way Santa Rosa. When the demolition permit is issued, I would like to have 180 days.

The present tenant will need as much time as possible to find a new location, move his equipment, and make the space available for demolition.

It is my goal to comply with our agreement and close this issue.

Thank you,

Phil Johnson

Mark Franceschi

From: Mark Franceschi
Sent: Thursday, December 22, 2011 7:35 AM
To: 'pj1roadking@comcast.net'
Cc: Mark Franceschi
Subject: RE: Hampton way

Mr. Johnson-
I will be out of the office until Monday, January 9. How about Tuesday, January 10, at 10:00? Please e-mail me back to confirm and I'll see you then.

Regarding your question about how to proceed forward, you still need to obtain building (or demolition) permits for the unpermitted construction. This issue is independent of who you have occupying the structure. Even if it is vacant, building (demolition) permits are still required. You would be better served talking to the plancheck cubicle to determine what needs to be included in your building permit applications than meeting with me. As noted below, I will be looking to enforce the terms of the stipulation and can only offer additional time to obtain the required permits due to reasonably unforeseen delays.

I hope this helps. I will wait for your meeting confirmation if you still believe it is necessary.

Mark Franceschi
Code Enforcement Supervisor
County of Sonoma
Permit & Resource Management Department
(707) 565-1922

NOTICE OF OFFICE CLOSURE

Sonoma County Permit and Resource Management Department will be Closed: December 23, 2011 - January 2, 2012
Offices will fully reopen January 3, 2012

This closure is due to a Mandatory Time Off program for employees, one of several cost savings measures adopted by the County to balance its budget and preserve essential services. County employees are taking 5 unpaid days off this fiscal year and the winter office closure reflects 5 of those days and includes 2 paid County Holidays.

We appreciate your patience and understanding during the time that our office is closed.

For further information, contact: (707) 565-2961 or view the latest information at: http://www.sonoma-county.org/mto.htm.

From: pj1roadking@comcast.net [mailto:pj1roadking@comcast.net]
Sent: Wednesday, December 21, 2011 10:42 AM
To: Mark Franceschi
Subject: Re: Hampton way

Hi Mark, I came by yesterday to see if we could meet. You were out in the field. I would like to meet when you return from your holiday break. I would like to discuss how I proceed forward, since my tenant is unable to stay in my building and will have to close his business. Please just name a time and a day, and I will be there.

Thanks,

Phil Johnson

From: "Mark Franceschi" <Mark.Franceschi@sonoma-county.org>
To: "pj1roadking@comcast.net" <pj1roadking@comcast.net>
Sent: Friday, December 16, 2011 2:40:35 PM
Subject: RE: Hampton way

Mr. Johnson-
I'm available after 11:00 on Monday and Tuesday is pretty open. However, I'm not sure how I can help with your options regarding your business as it relates to the need for a use permit. I think Yolanda probably covered that pretty thoroughly. I can discuss the stipulation terms and perhaps additional time to obtain the building permits. As you know, these planning/zoning issues weren't part of our abatement hearing and are considered a separate issue from the unpermitted construction.

Mark Franceschi
Code Enforcement Supervisor
County of Sonoma
Permit & Resource Management Department
(707) 565-1922

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We appreciate your patience and understanding during the time that our office is closed.

For further information, contact: (707) 565-2961 or view the latest information at: http://www.sonoma-county.org/mto.htm.

From: pj1roadking@comcast.net [mailto:pj1roadking@comcast.net]
Sent: Friday, December 16, 2011 2:32 PM
To: Mark Franceschi
Subject: Hampton way

Hi Mark, I met with Yolanda yesterday to discuss the zoning for my property. She told Mark Donati, the business owner and myself, that his business is not allowed there under current zoning laws. I would like to meet Monday or Tuesday to discuss my options. Please let me know what works for you.

Thanks,

Phil Johnson

Meeting

Met with property owner and Marc Donati (owner of auto repair business) on 12/15/11.

EconoSweep. With respect to the larger EconoSweep building, property owner could re-tenant the EconoSweep building with a use that has the same or less intensity, however a Use Permit would be required. I cautioned the property owner to be sure that any future tenant has received a Use Permit because if its legal nonconforming status is lost (ceases for a year or more) P/O would be limited to re-tenanting with R3 uses.

Auto Repair. The auto repair business is a different matter because a Use Permit was required for an auto shop in the M1 and C3 zoning districts, and it doesn't appear that one was ever applied for. Therefore, this use is not legal non-conforming.

Donati said that he spoke with someone at a County office before he started his business and was told that a business license was not required, so maybe he spoke with the County Clerk's office. Donati doesn't remember exactly who he spoke to, but he asked if he needed anything else and was told "no." Donati said he didn't know that a Use Permit was needed.

I advised them that they should contact the prior business owner and see if s/he ever obtained a Use Permit for the auto repair operation (not likely, but it is possible that our records are incomplete). I told them that it didn't have to be a Use Permit, even a building permit for some improvement made to the auto repair shop would work if it was reviewed and approved by planning.

If no permits were ever obtained and Donati found another location, the property owner could lease to uses listed in the R3 regulations. There are a few R3 uses that would work in a warehouse (e.g. church, school, recreational vehicle park).

We talked about a GPA and zone change, but that would be a long shot because it is contrary to the general goals of the Urban Vision Plan. A second obstacle is that the City's General Plan conforms to the UVP. The City will not issue a utility certificate (if one is needed) for projects which are inconsistent with their GP. The only possibility would be for the property owner to package his GPA and zone change with a very attractive project that supports the goals of the UVP, such as enhancing the community (e.g. mixed use project that complements the adjacent bike trail etc.). Not sure if it would work & it would be expensive, but might be worth exploring.

File Research
1599 Hampton Way
APN 125-081-021
Phil Johnson
494-5700

Permit	Date	Zoning	Information
	1963	M-1	**1963 Zoning Code:** M-1 district did not include auto repair as a use permitted either outright or with a Use Permit. Allowed in C-2 with a Use Permit.
A-13264	9/27/65	M-1	Building Permit for new **warehouse** Owner: Frontier Electric
12447	11/9/65	No planning review	Electrical Permit for **warehouse** and office addition for Frontier Electric.
A-32535	1/11/72	M-1	Building permit for new 3,000 s.f. **warehouse**. Existing use: Elec. Supplies warehouse. Frontier Electric listed as owner.
	1975		**1975 Zoning Code:** Use Permit required for auto repair in M-1 and C-3 zoning districts.
B-58620	11/24/84	C-3	Installation of 200 amp for welding. Existing **warehouse** use and **welding shop** were legal uses (signed-off by planning). ***(uses on parcel were legal in 1984)***
	1993?	M-1	Rezoned to M-1. Probably as part of 1989 GP update. Use permit required for auto repair. No permit located.
	12/06	M-1	Survey of area conducted. Uses on the property were an **auto repair** and **Econo Sweep** business (auto repair required Use Permit under M-1 zoning)
	6/5/07	R3 B6 13	Sebastopol Road Urban Vision Plan adopted June 5, 2007. Property rezoned from M1 to R3.
BLD11-5034	11/23/11	R3	Legalize tenant improvements made to auto shop.
	11/29/11		Owner Phil Johnson called. He said that current tenant started business in 1998 and has license from bureau of auto repair. He checked assessor's records but didn't find much. Mark (Code Enforcement) is working on this.

Mark Franceschi

From: Jennifer Barrett
Sent: Wednesday, December 14, 2011 10:49 AM
To: Yolanda Solano; Mark Franceschi; Dean Parsons; Ken Ellison
Subject: RE: 1599 Hampton Way

Ok, then sounds like a dead end for this business.

From: Yolanda Solano
Sent: December 14, 2011 10:49 AM
To: Jennifer Barrett; Mark Franceschi; Dean Parsons; Ken Ellison
Subject: RE: 1599 Hampton Way

Unfortunately, this property is located in a redevelopment area. So the one-time 10% expansion would not apply.

From: Jennifer Barrett
Sent: Wednesday, December 14, 2011 10:45 AM
To: Mark Franceschi; Yolanda Solano; Dean Parsons; Ken Ellison
Subject: RE: 1599 Hampton Way

CE needs to make a determination about which uses on the site are legal non-conforming. A warehouse doesn't usually require a use permit in a former industrial zone, but I think an auto shop always has required a use permit. He should apply first for a legal n/c use determination. That would be his first step. We do allow legal non-conforming uses to do minor expansion with a use permit, so that might be his only path.

Jen

From: Mark Franceschi
Sent: December 14, 2011 10:25 AM
To: Jennifer Barrett; Yolanda Solano; Dean Parsons; Ken Ellison
Subject: RE: 1599 Hampton Way

FYI- Our abatement action from earlier this year was only specific to the unpermitted tenant improvements. I see there is a building permit (A-032535) from 1972 for a "warehouse" and Metroscan shows one of the structures was built in 1965. Land use wasn't an issue at the hearing.

From: Jennifer Barrett
Sent: Wednesday, December 14, 2011 10:15 AM
To: Yolanda Solano; Dean Parsons; Ken Ellison
Cc: Mark Franceschi
Subject: RE: 1599 Hampton Way

Actually, don't advise him to apply for something that would be a dead end. It is my understanding that the City won't issue a utility certificate for a use that is not consistent with their General Plan. If this is a site that we rezoned to BE consistent with the City's General Plan, then a GPA/rezone would not be possible. Have we determined that this was an illegally established use, not legal non-conforming right?

Jen

From: Yolanda Solano
Sent: December 14, 2011 9:46 AM

To: Jennifer Barrett; Dean Parsons; Ken Ellison
Cc: Mark Franceschi
Subject: RE: 1599 Hampton Way

Yes, the land use and zoning was changed to be consistent with the UVP. I'll advise him that he could apply for the GPA, SPA, and Zone Change, but that it would not be supported by staff.
Thank you

From: Jennifer Barrett
Sent: Tuesday, December 13, 2011 6:59 PM
To: Yolanda Solano; Dean Parsons; Ken Ellison
Cc: Mark Franceschi
Subject: RE: 1599 Hampton Way

Sounds like he needs a General Plan Amendment and rezone to keep these parcels industrial. I would check the housing inventory to make sure this isn't in our housing element and also check Santa Rosa's GP. Did we modify the land use on this site as part of the Sebastopol Road Urban Vision Plan? If this in that area then it may also need a plan amendment.

Jen

From: Yolanda Solano
Sent: December 13, 2011 6:37 PM
To: Dean Parsons; Ken Ellison; Jennifer Barrett
Cc: Mark Franceschi
Subject: 1599 Hampton Way

I received a phone call from the owner of property located in the Roseland area. There is currently an auto repair shop and street sweeping business on the parcel in two warehouse structures (see attached aerials). The parcel's zoning is R3 (changed from M1 in 2007). There doesn't appear to be any Use Permits for the auto shop. I think Econo-Sweep would fall under "heavy commercial use for which storage, large or heavy merchandise or commercial transportation facilities are necessary and usual to the operation" (§ 26-46-010), so probably legal nonconforming.

The tenant is trying to legalize some improvements made to the auto shop (BLD11-5034). We can't issue a Use Permit for auto repair in R3, and it doesn't seem to be legal non-conforming (I did a file search). I can't think of any way to help him with this.

The Econo-Sweep business will remain on the parcel as a legal nonconforming use. Is the property owner limited to R3 uses such as RV parks, schools, and churches for the portion of the property occupied by the auto shop? Do you see any way around this since a nonconforming heavy commercial use will remain on the parcel?

He's coming in to meet with me on Thursday. I think he's out of luck.

Thanks

Yolanda

Yolanda G. Solano, Planner III
Sonoma County Permit and Resource Management
2550 Ventura Avenue
Santa Rosa, California 95403-2829
(707) 565-7387 Direct Line
(707) 565-1900 Main Office

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103
www.sonoma-county.org/prmd

June 17, 2011

FAX: 415-884-5351

FILED

Deana Zeidan
Commercial Loan Officer
Bank of Marin
504 Redwood Blvd #100
Novato, CA 94947

Re: Release of Notice of Abatement Proceedings
At: **1599 Hampton Way, Santa Rosa**
Property Owner: **Phillip & Judith Johnson**
APN: **125-081-021**
File: **VBU08-0163**

The violation has been resolved on the above referenced property and the violation file has been closed.

During the abatement process a "Notice of Abatement Proceedings" was recorded against this property at the Sonoma County Recorder's Office. In order to clear this recordation, you will need to record a "Notice of Termination of the Abatement Proceedings". This document has been prepared for you.

However, prior to releasing the document for recordation, you are required to pay civil penalties and/or abatement costs to Permit and Research Management Department in the amount of **$1,584.00**. Please reference your check to Assessor Parcel Number (APN) listed above and include a copy of this letter with the payment. Once payment has been received, the original release will be mailed to the addressee.

Please be advised that this Release of Abatement Lien is the property of the County of Sonoma. If for any reason this escrow transaction is not completed, the unrecorded document must be returned to us.

If you have any questions, please do not hesitate to call (707.565.3716).

Sincerely,

Nancy Atwell for

Dan Cahill
Code Enforcement Division
email: dan.cahill@sonoma-county.org

c: Assessor
Fire Services
File VBU08-0163

RECORDED DOCUMENT RELEASE REQUEST

Purpose: This form is to be used when a property owner requests a recorded document be released from the deed on their property.

SITE ADDRESS: 1599 Hampton Way Santa Rosa APN: 125-081-021

I/we, owner(s) of the subject property, hereby request that the document(s) recorded against the subject property be released.

Check if applicable: ☒ Refinance or Sale of property in process
☐ Declaration of Covenants, Conditions and Restrictions [CC&R] requested.

Property Owner(s): _____ Date: 6/27/11
Signature

Property Owner name(s): [Print] Phil Johnson
Mailing address: 4591 Heath Circle Rohnert Park Zip: 94928
Home/Work Phone: 494-5700 Cell: _____ Fax: _____

Property owner representative: _____ Date: _____
Relationship to property owner: _____ Phone/cell: _____

Title Company: _____ Estimated Closing Date: _____
Contact Name, Phone, and Fax: _____
Escrow#: _____ Buyers name(s): _____

PRMD CODE ENFORCEMENT OFFICE USE ONLY

Received By: MS. Date: 5/27/11

Inspector: Violation(s) Closed: ☐ Yes: violation # _____
☒ No: violation # UB408-0163

File Review: ____ Time Spent: _____ Inspector _____ Comments: _____
→ see abatement costs assigned to c.i.o noted above.

Clerical: File Review: 4.15 x permit fee Time Spent: _____ Comments _____
CC&R required: ☐ Yes ☒ No Stipulated Administrative Order ☒ Yes ☐ No
Costs: $ _____ Penalties: $7,650.00 Cost calculation sheet completed ☐ Yes ☐ No
(par 3) Penalties (par 4)
+ starting 5/27/11 $42/day
absolute $1,584
(par 5)
Pf. Fail Civil Penalties

Supervisor/Senior: Release ☒ Approved MS. 6/3/4
☐ Denied, explanation: _____
Time Spent: _____ Fees Due to Release : $ _____ Release of Document Completed _____
Supervisor/Senior _____ Date _____

Nancy Atwell

From: Deana Zeidan [DeanaZeidan@bankofmarin.com]
Sent: Friday, June 17, 2011 3:21 PM
To: Nancy Atwell
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Great, thanks!

From: Nancy Atwell [mailto:Nancy.Atwell@sonoma-county.org]
Sent: Friday, June 17, 2011 3:20 PM
To: Deana Zeidan
Cc: Nancy Atwell
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

No problem. Once payment is received, the release will be mailed to you to record. The letter will be faxed in just a bit.

Nancy Atwell

From: Deana Zeidan [mailto:DeanaZeidan@bankofmarin.com]
Sent: Friday, June 17, 2011 3:14 PM
To: Nancy Atwell
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Sure - it is 504 Redwood Blvd #100, Novato, CA 94947.

We won't be going through escrow since he is refinancing loans with us. We were hoping that after he pays his fee, you send us the release to record at the same time as our new deed. Will that work?

From: Nancy Atwell [mailto:Nancy.Atwell@sonoma-county.org]
Sent: Friday, June 17, 2011 3:06 PM
To: Deana Zeidan
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Thanks. Can you provide your complete mailing address? Thanks. -n

Nancy Atwell

From: Deana Zeidan [mailto:DeanaZeidan@bankofmarin.com]
Sent: Friday, June 17, 2011 2:48 PM
To: Nancy Atwell
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Hi Nancy,

I wanted to make sure you have my fax #: 415-884-5351.

Thanks!

From: Nancy Atwell [mailto:Nancy.Atwell@sonoma-county.org]
Sent: Thursday, June 16, 2011 4:09 PM

To: Deana Zeidan
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Unknown. We usually get it from title, and that is who we send the release to for recordation once payment is made.

Nancy Atwell

From: Deana Zeidan [mailto:DeanaZeidan@bankofmarin.com]
Sent: Thursday, June 16, 2011 4:06 PM
To: Nancy Atwell
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Yes, that will do, thank you. Is Phillip Johnson aware he needs to make the payment? If so, do you know when to expect it?

Thank you,
Deana

From: Nancy Atwell [mailto:Nancy.Atwell@sonoma-county.org]
Sent: Thursday, June 16, 2011 4:04 PM
To: Deana Zeidan
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Deana,
The abatement costs are **$1,584.00**. The Stipulated Agreement remains in effect and penalties will be due. In order to release this abatement proceeding, once we receive the check made out to PRMD in the amount of $1,584.00, the release will be mailed to you. I'll have the formal letter faxed tomorrow. Will this do until then [I know I said I'd get back to you today.] ?

Nancy Atwell
Code Enforcement Division

Permit & Resource Management Department (PRMD)
2550 Ventura Avenue, Santa Rosa, CA 95403
ph: 707.565.1904 fax: 707.565.1103
new: nancy.atwell@sonoma-county.org

NOTICE OF CHANGE OF LOBBY HOURS: Effective Tuesday, July 5, 2011, PRMD Lobby hours are changing. The new lobby hours will be: Monday through Thursday 10:00 a.m. to 4:00 p.m. and closed Fridays. PRMD staff will continue to work in the field all five days, as well as, in the office working on permitting and planning projects.

From: Deana Zeidan [mailto:DeanaZeidan@bankofmarin.com]
Sent: Wednesday, June 15, 2011 11:25 AM
To: Nancy Atwell
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Great, thanks!

From: Nancy Atwell [mailto:NATWELL@sonoma-county.org]
Sent: Monday, June 06, 2011 3:00 PM
To: Deana Zeidan
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Hi Deana, I just got this on my chair this morning and will be able to process in a day or two. I have a few ahead of this one. If I get some preliminary info, I'll forward it earlier. This is a little more involved than most of our requests as there is a Stipulated Administrative Order involved. Thanks.

Nancy Atwell
Code Enforcement Division

Permit & Resource Management Department (PRMD)
2550 Ventura Avenue, Santa Rosa, CA 95403
ph: 707.565.1904 fax: 707.565.1103

-----Original Message-----
From: Deana Zeidan [mailto:DeanaZeidan@bankofmarin.com]
Sent: Monday, June 06, 2011 2:52 PM
To: Nancy Atwell
Subject: FW: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Hi Nancy,

Is it possible to let me know what the status is on the release of abatement for property address: 1599 Hampton Way, Santa Rosa?

Thank you in advance,

Deana Zeidan
Commercial Loan Officer
Bank of Marin
(415) 884-4553

-----Original Message-----
From: Mark Franceschi [mailto:MFRANCES@sonoma-county.org]
Sent: Monday, June 06, 2011 2:43 PM
To: Deana Zeidan
Cc: Nancy Atwell
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Hi Deana-

That release request was sent to our clerical staff to process sometime last week. I do not know the expected turnaround time but you can check with Nancy Atwell who will be working on it. She can be reached at (707) 565-1904 or via e-mail at natwell@sonoma-county.org.

Hope that helps,

Mark Franceschi
Senior Code Enforcement Inspector
County of Sonoma
Permit & Resource Management Department
(707) 565-1922

-----Original Message-----
From: Deana Zeidan [mailto:DeanaZeidan@bankofmarin.com]
Sent: Monday, June 06, 2011 2:38 PM
To: Mark Franceschi
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Hi Mark,

Could I get a status on the release of abatement?

-----Original Message-----
From: Mark Franceschi [mailto:MFRANCES@sonoma-county.org]
Sent: Tuesday, May 17, 2011 2:06 PM
To: Deana Zeidan
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Will do-

Mark

-----Original Message-----
From: Deana Zeidan [mailto:DeanaZeidan@bankofmarin.com]
Sent: Tuesday, May 17, 2011 1:59 PM
To: Mark Franceschi
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Mark,

Thank you for clearing that up for me. It is our intention to record the document - will the Notice be mailed to me or emailed? If it is to be mailed, would you please send it to 504 Redwood Blvd., #100, Novato, CA 94947?

Thank you again,

Deana Zeidan

-----Original Message-----
From: Mark Franceschi [mailto:MFRANCES@sonoma-county.org]
Sent: Tuesday, May 17, 2011 1:55 PM
To: Deana Zeidan
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Hi Deana-

Yes, both you and Mr. Johnson are correct. Once our Stipulated Agreement is approved by the Hearing Officer next Friday (assuming Mr. Johnson and Sonoma County can reach an agreement), I will create and give to you a Notice terminating the previously recorded lien. It will be up to you to record that document to clear the title.

I hope that helps. If you want to check back with me sometime after May 27th (the hearing date) I will be able to update you on the status of all this.

Mark Franceschi
Senior Code Enforcement Inspector
County of Sonoma
Permit & Resource Management Department

(707) 565-1922

-----Original Message-----
From: Deana Zeidan [mailto:deanazeidan@bankofmarin.com]
Sent: Tuesday, May 17, 2011 1:43 PM
To: Mark Franceschi
Subject: PRMD Webmail: 1599 Hampton Way, Santa Rosa

A visitor to your website sent you the following message:

Visitor Name: Deana Zeidan
Email Address: deanazeidan@bankofmarin.com Feedback Subject: 1599 Hampton Way, Santa Rosa Feedback Description: Hi Mark,

I am working with the owner of the above mentioned property, Phil Johnson, on refinancing the property. I understand you have been in talks with him regarding remedying the issue with the notice of abatement. Phil mentioned that a written agreement between the county and him would be sufficient to remove the abatement. But it is my understanding that in order to remove the abatement, there would have to be a recorded instrument indicating the abatement has been remedied. Can you educate me on the process of removing the abatement?

Thank you in advance,

Deana Zeidan
Commercial Loan Officer

Mark Franceschi

From: Deana Zeidan [DeanaZeidan@bankofmarin.com]
Sent: Tuesday, May 17, 2011 1:59 PM
To: Mark Franceschi
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Mark,

Thank you for clearing that up for me. It is our intention to record the document - will the Notice be mailed to me or emailed? If it is to be mailed, would you please send it to 504 Redwood Blvd., #100, Novato, CA 94947?

Thank you again,

Deana Zeidan

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From: Mark Franceschi [mailto:MFRANCES@sonoma-county.org]
Sent: Tuesday, May 17, 2011 1:55 PM
To: Deana Zeidan
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

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Mark Franceschi
Senior Code Enforcement Inspector
County of Sonoma
Permit & Resource Management Department
(707) 565-1922

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Sent: Tuesday, May 17, 2011 1:43 PM
To: Mark Franceschi
Subject: PRMD Webmail: 1599 Hampton Way, Santa Rosa

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Feedback Description: Hi Mark,

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Thank you in advance,

Deana Zeidan
Commercial Loan Officer

Mark Franceschi

From: Mark Franceschi
Sent: Tuesday, May 17, 2011 1:55 PM
To: 'Deana Zeidan'
Subject: RE: PRMD Webmail: 1599 Hampton Way, Santa Rosa

Hi Deana-

Yes, both you and Mr. Johnson are correct. Once our Stipulated Agreement is approved by the Hearing Officer next Friday (assuming Mr. Johnson and Sonoma County can reach an agreement), I will create and give to you a Notice terminating the previously recorded lien. It will be up to you to record that document to clear the title.

I hope that helps. If you want to check back with me sometime after May 27th (the hearing date) I will be able to update you on the status of all this.

Mark Franceschi
Senior Code Enforcement Inspector
County of Sonoma
Permit & Resource Management Department
(707) 565-1922

-----Original Message-----
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Sent: Tuesday, May 17, 2011 1:43 PM
To: Mark Franceschi
Subject: PRMD Webmail: 1599 Hampton Way, Santa Rosa

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Visitor Name: Deana Zeidan
Email Address: deanazeidan@bankofmarin.com Feedback Subject: 1599 Hampton Way, Santa Rosa
Feedback Description: Hi Mark,

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Thank you in advance,

Deana Zeidan
Commercial Loan Officer

Mark Franceschi

From: Mark Franceschi
Sent: Friday, May 06, 2011 9:56 AM
To: 'pj1roadking@comcast.net'
Cc: Nancy Atwell; Ben Neuman; Mark Franceschi
Subject: Stipulation - 1599 Hampton Way
Attachments: 1599 Hampton Way stip.pdf; 1599 Hampton Way stip cover.pdf

Mr. Johnson-

Per your request, I am sending you a copy of a proposed Stipulated Agreement. You may wish to consult with an attorney to have this document reviewed. There is some flexibility regarding the time frames that you may need to legalize the unpermitted construction.

If you want to propose any changes, please let me know. If it looks ok as written, please let me know that as well and I'll send you a "final" copy. You will still need to attend the hearing on Friday, May 27, 2011, when we will present this document with your original signatures to the Hearing Officer. If you are unable to attend and will be sending a representative, a written note giving that person the authority to speak on your behalf and a notarized signature on the agreement will be needed.

If you have any questions please call me at 565-1922 or via e-mail (preferred).

I look forward to hearing from you.

Mark Franceschi
Senior Code Enforcement Inspector
County of Sonoma
Permit & Resource Management Department
(707) 565-1922

ADMINISTRATIVE ABATEMENT HEARING
SONOMA COUNTY PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

In the Matter Of:

Phillip Johnson TR Et Al
1599 Hampton Way
Santa Rosa, CA 95407

VBU08-0163

STIPULATED ADMINISTRATIVE ABATEMENT ORDER

Pursuant to the Stipulation for Entry of Administrative Abatement Order executed by the Sonoma County Permit and Resource Management Department (the "Department") and Phillip Johnson and Judy Johnson (the "Property Owners"), and filed with this Hearing Officer on May 27, 2011;

IT IS FOUND, ORDERED AND ADJUDGED that:

1. Since about May 16, 2008, the Property Owners have maintained the use of the property for the unpermitted construction of a recessed slab, room division, 2nd story mezzanine, electrical, and new lifts in the "Donati Automotive" structure (the "Violations") on the real property located in the unincorporated area of the County of Sonoma at 1599 Hampton Way, Santa Rosa, California, Assessor's Parcel No. 125-081-021 (the "Property"), in violation of Chapter 7 of the Sonoma County Code.

2. Within one hundred eighty (180) days of the date of this Order, the Property Owners shall submit to the Department a complete building or demolition permit application package, together with all necessary drawings and plans, and all required fees, for issuance of any permits to legalize or remove the Violations. Owners shall respond within fifteen (15) days to any Department request for additional information or documentation required for the project approval. Within fifteen (15) days of PRMD approval of the permit application(s), the property owner shall pay any remaining fees and obtain the required permits. Additional time may be granted to accommodate the schedule of a licensed professional.

3. Building or demolition permits issued to legalize or remove this work shall be subject to penalties in the amount of six point five times (6.5X) the building or demolition permit fees pursuant to Sections 1-7 and 1-7.1 of the Sonoma County Code. All work described in the above mentioned permits shall receive final approval from PRMD within one hundred eighty (180) days of permit issuance.

4. In the event that the Property Owners fail to legalize or demolish the Violation within the time frames described above, civil penalties in the amount of $27,650.00 shall be due and payable. Additional civil penalties shall continue to accrue at the rate of sixty-two dollars ($62) per day beginning on May 27, 2011, (the date of this Stipulated Administrative Order) until the Violations on the Property are abated, with credit given for any penalties previously paid.

5. Within thirty (30) days of this Order, the Property Owners shall pay to the Department a total of $1,584.00 in abatement costs, pursuant to Section 1-7 and 1-7.1 of the Sonoma County Code. Payment shall be made payable to the "PRMD" and delivered to the Department at 2550 Ventura Avenue, Santa Rosa, California, 95403. If the amount

specified in this paragraph is not fully paid within thirty (30) days of the date of this Order, any unpaid amount may be assessed against the Property, and may be collected in the same manner as taxes, as provided by Government Code section 25845 and Sonoma County Code section 1-7(b).

6. The Property Owners shall pursue with due diligence all the aforementioned permits and approvals from the Department. Additional time may be granted at the discretion of the Department to any timetable specified in this Order provided the Property Owners can demonstrate due diligence in attempting to bring the property into compliance. All extension requests shall be made in writing to the Department.

7. The Property Owners are hereby permanently enjoined from maintaining or allowing others to maintain the use of the property for the violation.

8. Nothing in Paragraph 5 shall affect the Department's right to recover its abatement costs, including its abatement costs incurred prior to issuance of this Order, in any action initiated by the Department to enforce this Order. In any such action, the Department shall be entitled to recover its court costs, including reasonable attorneys fees.

9. If the Property Owners fail to meet any deadlines set forth in this Order, the County, upon five (5) days' written notice, may enter the Property and undertake the removal and disposal of the Violations on the Property, when and as the Director of the Department in his or her sole discretion determines it to be appropriate. The Sonoma County Sheriff is hereby authorized to send such deputies as the Director deems appropriate to assist in the enforcement of this Paragraph.

10. If the County exercises its rights under Paragraph 9 of this Order, all costs incurred by the County in removing and disposing of any Code violations from the Property may be assessed against the Property and may be collected in the same manner as taxes, as provided by Government Code section 25845 and Sonoma County Code section 1-7(b).

11. The rights and remedies provided in this Order are in addition to, and shall not in any way affect or restrict, the rights and remedies available to the County under California Code of Civil Procedure sections 1209 *et seq.*, or any other provision of law.

12. The Property Owners shall indemnify, hold harmless and defend the County, its agents and employees, from and against any and all claims, demands, liabilities, costs, expenses, actions, and causes of action that may be asserted by any person or entity, including the Property Owners, arising out of or in connection with the performance of the terms of this Order.

DATED: _____
Vanessa Aching Davenport
Sonoma County Hearing Officer

ADMINISTRATIVE ABATEMENT HEARING
SONOMA COUNTY PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

In the Matter Of:

STIPULATION FOR ENTRY OF ADMINISTRATIVE ABATEMENT ORDER

Phillip Johnson TR Et Al
1599 Hampton Way
Santa Rosa, CA 95407

VBU08-0163
_____/

WHEREAS, Phillip & Judith Johnson ("Property Owners") are the owners of record of the real property located in the unincorporated area of the County of Sonoma at 1599 Hampton Way, Santa Rosa, California, Assessor's Parcel No. 125-081-021, (the "Property"); and

WHEREAS, the Code Enforcement Division of the Sonoma County Permit and Resource Management Department (the "Department") has initiated administrative proceedings alleging that the Property Owners have maintained a major remodel of a single family dwelling on the property that was built without required permits in violation of Chapter 7 of the Sonoma County Code; and

WHEREAS, the Department seeks to abate the above-alleged violations and to secure the Property's compliance with the Sonoma County Code; and

WHEREAS, the Department and the Property Owners desire to avoid the cost and delay of further proceedings in this matter;

NOW THEREFORE, IT IS HEREBY STIPULATED by the Department and the Property Owners that the Stipulated Administrative Abatement Order attached hereto as Exhibit A and incorporated herein by this reference may immediately be entered by the Sonoma County Hearing Officer in this administrative proceeding.

SONOMA COUNTY PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

Dated: _____

_____
Ben Neuman, Code Enforcement Manager

Dated: _____

_____
Phillip Johnson, Property Owner

Dated: _____

_____
Judith Johnson, Property Owner

RETURN TO

Sonoma County Permit and
Resource Management Department,
Code Enforcement Division
2550 Ventura Avenue
Santa Rosa, CA 95403

2011062754

OFFICIAL RECORDS OF
SONOMA COUNTY
JANICE ATKINSON

FIDELITY NAT'L TITLE CO.
07/27/2011 08:00 CNCNV
RECORDING FEE: $12.00
PAID

2 PGS

NOTICE OF TERMINATION OF ABATEMENT PROCEEDINGS

NOTICE IS HEREBY GIVEN that the proceedings described in the Notice of Abatement Proceedings recorded on 2010027197, in the Office of the County Recorder of Sonoma County, California, as Instrument No. 04/02/2010, have been terminated. That Notice of Abatement Proceedings is hereby withdrawn.

The proceedings described in the Notice of Abatement Proceedings were initiated by the County of Sonoma to abate certain described substandard and/or dangerous conditions on the real property

located at: **1599 Hampton Way, Santa Rosa,**
Assessor's Parcel No.: **125-081-021,**
owned by: **Phillip & Judith Johnson,**

and more particularly described in Exhibit A, attached hereto and incorporated herein by this reference. The substandard and/or dangerous conditions at issue in that action have been abated.

BY: Dan Cahill for DATED: JUNE 20, 2011 at Santa Rosa, California
Ben Neuman, Code Enforcement Manager
Permit and Resource Management Department
COUNTY OF SONOMA

State of California)) SS. County of Sonoma)

On June 20, 2011 before me, SCOTT I. HUNSPERGER, Notary Public, personally appeared, Dan Cahill who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Scott I. Hunsperger
Notary's Signature

SCOTT I. HUNSPERGER
Commission # 1760591
Notary Public - California
Sonoma County
My Comm. Expires Aug 6, 2011

vbu08-0183_release.doc

RETURN TO:

Sonoma County Permit and
Resource Management Department,
Code Enforcement Division
2550 Ventura Avenue
Santa Rosa, CA 95403

2010027197

OFFICIAL RECORDS OF
SONOMA COUNTY
JANICE ATKINSON

GOVERNMENT AGENCY
04/02/2010 08:58 NOTAB
RECORDING FEE: $25.00
PAID

5 PGS

RECORDED AT BENEFIT
TO THE COUNTY OF SONOMA

NOTICE OF ABATEMENT PROCEEDINGS

NOTICE IS HEREBY GIVEN that, pursuant to Chapter 7 of the Sonoma County Code and the uniform codes incorporated therein, the County of Sonoma has commenced a proceeding to abate substandard and/or dangerous conditions located at

1599 Hampton Way, Santa Rosa,

California, APN **125-081-021**, owned by **Phillip & Judith Johnson**, and more particularly described in Exhibit A, attached hereto and incorporated herein by this reference.

The substandard and/or dangerous conditions on the property are as described in the Notice and Order dated **July 7, 2008**, attached hereto as Exhibit B and incorporated herein by this reference. The owner of record of the property has been notified of the described conditions by service of the Notice and Order in accordance with law.

BY: JMcKenna for DATED: 4-1-10 at Santa Rosa, California
Ben Neuman, Code Enforcement Manager
Permit & Resource Management Department

STATE OF CALIFORNIA) ss
COUNTY OF SONOMA)
)

On April 1, 2010 before me, SCOTT I. HUNSPERGER, Notary Public,

personally appeared, Janet McKenna
who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

SCOTT I. HUNSPERGER
Commission # 1760591
Notary Public - California
Sonoma County
My Comm. Expires Aug 6, 2011

Signature Scott I. Hunsperger (SEAL)

VBU08-0183 record.wpd Rev 28Jul05

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

NOTICE OF ABATEMENT

March 31, 2010

Phillip & Judith Johnson
4591 Heath Circle
Rohnert Park, CA 94928

Re: VBU08-0163
At: 1599 Hampton Way, Santa Rosa
APN: 125-081-021

As a result of your failure to abate violations of Sonoma County Code, Chapter 7, and the uniform codes incorporated therein, that exist on your property at the above location, a "Notice of Abatement Proceedings" has been recorded. Continued failure to correct these violations may also result in a lawsuit being filed in Superior Court.

It is your responsibility, once all violations have been resolved, to notify the Code Enforcement Division of the Permit and Resource Management Department and to request, in writing, that the abatement proceeding be removed from the title of your property. After verification, the file will be closed and a Termination of Abatement Proceedings will be processed and released to you for recordation.

Please contact this office if you have any questions.

Sincerely,

Dale Hawley
Code Enforcement Division

c: File No: VBU08-0163

Checklist for Recordation Request

Property address: 1599 HAMPTON WAY, SANTA ROSA

Violation Number: VBU08-0163

Request By: Dale Hawley

Date Reviewed: 03/31/2010

Review the following information for proper noticing.

☒ Property Owners Name, Address, Mailing, and Site Address.

☒ Assessor's Tax Role.

☒ Permits Plus for Permit Activity.

☒ Declaration of Service.

☒ Return Receipt from Certified Mailing.

The following issues require correction prior to recordation.

☐ _____

☐ _____

☐ _____

☐ _____

OK TO RECORD- VIO ON DONATI'S AUTOMOTIVE BUILDING WAS NEVER ABATED. ONLY THE STAIRCASE IN THE OTHER BUILDING WAS CLEARED.

File has been reviewed and is approved for Recordation:

Dale Hawley
Senior Code Enforcement Inspector Dale Hawley

DECLARATION OF SERVICE OF NOTICE AND ORDER

I, Denise Gooding, Enforcement Inspector declare:

1. At all times relevant, declarant was and now is a Code Enforcement Inspector employed by the County of Sonoma.

2. On JUL 0 7 2008, pursuant to the Uniform Housing Code and/or the Uniform Code for the Abatement of Dangerous Buildings, this declarant mailed a copy of the attached Notice and Order by certified mail, postage prepaid, return receipt requested, addressed to:

(nam Phillip & Judith Johnson
4591 Heath Circle
(addr Rohnert Park, CA 94928

(city, state, zip)

Date Signed: JUL 0 7 2008

Denise Gooding Code Enforcement Inspector

---

1. On 7-8-2008, pursuant to the Uniform Housing Code and/or the Uniform Code for the Abatement of Dangerous Buildings, this declarant posted the same Notice and Order on the property located at:

(addres 1599 Hampton Way
Santa Ros, CA

(city, st

2. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed: 7-8-2008

D Gooding Code Enforcement Inspector

VB408-0163

S:\OFCFORMS\CODE-ENF\ADMIN\DSNO.WPD

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT
2550 Ventura Avenue, Santa Rosa, CA 95403-2829
(707) 565-1900 FAX (707) 565-1103

THIS DOCUMENT MAY AFFECT YOUR LEGAL RIGHTS
PLEASE READ CAREFULLY

Phillip & Judith Johnson
4591 Heath Circle
Rohnert Park, CA 94928

JUL 0 7 2008

NOTICE & ORDER - CONSTRUCTION WITHOUT PERMIT

You are being noticed as Record Owner of real property described on the latest equalized Sonoma County tax roll located at **1599 Hampton Way, Santa Rosa,** Sonoma County Assessor's Parcel Number **125-081-021** and more particularly described in Exhibit A, (hereinafter the "Property"), that the Code Enforcement Division of the Sonoma County Permit and Resource Management Department has determined that permits have not been issued for construction work on the Property.

The specific construction for which permits have not been issued includes the following:

1. **A recessed slab, room division, 2nd story mezzanine, electrical, plumbing, air hoses and new lifts installed. "Donati Automotive"**

2. **Stairs and mezzanine. "Econo Sweep"**

Pursuant to Sonoma County Code Section 7-5, it is unlawful to erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure, or cause the same to be done without first obtaining a building permit. Permits are required for the above described construction. In the absence of permits and inspections, the construction is unlawful and in violation of Chapter 7 of the Sonoma County Code and the California Building Codes incorporated therein, and further, cause the building or structure to be deemed and declared a dangerous building and a public nuisance by authority of Appendix Chapter 1, Section 113, Section 115, of the 2007 California Building Code.

Accordingly, it is necessary that the nuisance be abated. You are required to either (a) remove the unlawful construction or (b) legalize the unlawful construction by obtaining all required permits and inspections. If you choose to remove the unlawful construction a demolition permit must be obtained within thirty (30) days from the date of this notice and the work completed within sixty (60) days.

If you choose to obtain permits and inspections to legalize the unlawful construction, you must first obtain all required Department clearances, including but not limited to, zoning, well, septic, sewer and fire safe standards. If all Department clearances necessary to obtain building permits cannot be issued, you will be required to remove the unlawful construction.

Within sixty (60) days from the date of this Notice and Order, you must then submit any necessary drawings and plans, together with payment of fees to the Department for review and approval. Within thirty (30) days of approval of plans, you must pay all required fees and penalties and obtain the building permits. All work necessary under those permits must be completed and inspected within the time frames required by the Department. In order to determine what work may need to be done, you may be required to uncover a representative portion of all concealed construction.

Pursuant to Sonoma County Code Sections 1-7 and 1-7.1 and Section 113 of the California Building Code, violations of Chapter 7 of the Sonoma County Code are subject to mandatory civil penalties, the costs of abatement and investigation fees. Further, a "Notice of Abatement Proceedings" may be recorded against the Property. Failure to comply could also result in a lawsuit to be filed against you in Superior Court of the County of Sonoma.

This constitutes final notice unless any persons having record title, or legal interest in the premises, files an appeal from this action in writing within twelve (12) days and in the manner prescribed by law. Sonoma County Code Section 1-7.3 sets forth the appeal process which includes the right to an appeals hearing with a hearing officer. If a Hearing Officer finds that a violation exists, you may be responsible for paying the County's administrative costs, including, but not limited to, any administrative overhead, salaries, and expenses incurred for the hearing. You may also request an extension of sixty (60) days to bring your property into compliance in lieu of an appeal hearing. Failure to appeal this action constitutes a waiver of all rights to an administrative hearing and determination of this matter.

This building or structure may be posted as unsafe to enter or occupy in accordance with Chapter 7 of the Sonoma County Code.

If you have any further questions, or if further clarification is necessary, please contact this Department.

Sincerely,

Denise Gooding

Denise Gooding
Code Enforcement Division

c: Assessor
Fire Services
File: VBU08-0163

RECORDING REQUESTED BY
Teresa J. Norton, Esq.

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN, MAIL TAX STATEMENT TO:

Phillip Johnson
4591 Heath Circle
Rohnert Park, CA 94928

2005042182
OFFICIAL RECORDS OF
SONOMA COUNTY
EEVE T. LEWIS
GENERAL PUBLIC
03/30/2005 14:59 TRUAFF
RECORDING FEE: 94.00
PAID
30 PGS
SPAC

AFFIDAVIT OF TRUSTEE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SONOMA)

PHILLIP JOHNSON, being of legal age, being first duly sworn, deposes and says:

1. Melville Harold Johnson ("Melville") executed his Last Will and Testament on October 7, 1987, a copy of which is attached hereto as Exhibit A. In his Will, Melville established a testamentary marital trust for the benefit of his wife, Judith Johnson. Melville died on October 7, 1987. As a result, the Melville Harold Johnson Testamentary Trust FBO Judith Johnson is irrevocable.

2. The Will nominated Judith Johnson and June Swenson as co-trustees of the testamentary marital trust, however, Judith Johnson and June Swenson have resigned as Trustee. Copies of such resignations are attached hereto as Exhibit B. Paragraph SIXTH on page eight (8) of the Will allows the current acting co-trustees to designate a successor trustee. Judith Johnson and June Swenson have nominated Phillip Johnson to serve as sole trustee, and such nominations are attached hereto at Exhibit C. Phillip Johnson has consented to act as trustee, and his acceptance to act is attached hereto at Exhibit D. Thus, Phillip Johnson is the current acting sole Trustee of the Melville Harold Johnson Testamentary Trust FBO Judith Johnson.

3. Pursuant to the *Order Settling Report Of Executrix, On Waiver Of Accounting, Allowing Fees And For Final Distribution And Distribution To Testamentary Trust Under Will* filed on February 14, 1989, in the Superior Court of California, County of Siskiyou, Case No. P 12157, in the Matter of the Estate of Melville Harold Johnson, as recorded February 21, 1989, in the Official Records of the County of Sonoma, State of California, as Document 89015001, title to all that real property situated in the County of Sonoma, State of California, commonly known as 1599 Hampton Way, Santa Rosa, California, was transferred to Judith Johnson and June Swensen, Co-Trustees of The Melville Harold Johnson Testamentary Trust.

4. In light of the resignation of Judith Johnson and June Swenson as Co-Trustees, and the nomination of and acceptance by Phillip Johnson to serve as sole successor Trustee,

EXHIBIT
A

title to the real property situated in the County of Sonoma, State of California, commonly known as 1599 Hampton Way, Santa Rosa, California, shall now be held in the name of Phillip Johnson, Trustee of The Melville Harold Johnson Testamentary Trust, as more particularly described below:

The land referred to herein is situated in the State of California, County of Sonoma, unincorporated area, and is more particularly described as follows:

> A portion of Lot No. Three (3), as same is shown on that certain map entitled "Plat of Survey of Davidson Tract", etc., filed in Book 6 of maps, page 11, on December 14, 1885, Sonoma County Records, more particularly described as follows:
>
> Commencing at a 1/2 inch diameter iron pipe found marking the Southwest corner of the Willard J. and Neva Morris parcel as recorded on December 31, 1959, in Book 1724, page 223, Official Records of Sonoma County; thence North 5° 49' West along the East right of way line of a 30 foot wide County Road designated as Hampton Way, 685.73 feet to the point of beginning of the herein described parcel; thence continuing North 5° 49' West 196.22 feet to a 1/2 inch diameter iron pin marking the Southerly property line of the Northwestern Pacific Railroad right of way; thence North 79° 40' 10" East along said Southerly railroad right of way, 197.58 feet to a 3/4 inch diameter iron pipe found, said iron pipe marking the Northwest corner of V.W. and Sadie Johnson property as recorded on March 30, 1950 in Book 950, page 457, Sonoma County Official Records, said 3/4 inch diameter iron pipe bears North 5° 47' 40" West 858.76 feet from a ¾ inch diameter iron pipe founding marking the Southwest corner of the said V.W. and Sadie Johnson property; thence South 5° 47' 40" East 173.14 feet, thence South 73° 05' West, 200.67 feet to the point of beginning.

ELIZABETH K. RILEY
COMM. #1469478
NOTARY PUBLIC • CALIFORNIA
SAN FRANCISCO COUNTY
Comm. Exp. FEB. 6, 2008

Assessor's Parcel No. 125-081-021

(commonly known as 1599 Hampton Way, Santa Rosa, California)

Dated: March 25, 2005

State of California)
County of Sonoma)ss.

Subscribed and sworn to (or affirmed) before me this 25th day of March, 2005, by PHILLIP JOHNSON, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Elizabeth K. Riley

Phillip Johnson, Trustee of The Melville Harold Johnson Testamentary Trust

MAIL TAX STATEMENTS TO PARTY SHOWN ABOVE UNLESS OTHERWISE INDICATED

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT
2550 Ventura Avenue, Santa Rosa, CA 95403-2829
(707) 565-1900 FAX (707) 565-1103

NOTICE OF VIOLATION
CONSTRUCTION WITHOUT PERMIT

May 16, 2008

Phillip Johnson Trust et al
4591 Heath Circle
Rohnert Park, CA 94928

You are being notified as Record Owner of real property described on the latest equalized Sonoma County tax roll located at **1599 Hampton Way, Santa Rosa**, Sonoma County Assessor's Parcel Number **125-081-021,** (hereinafter the "Property"), that the Code Enforcement Division of the Sonoma County Permit and Resource Management Department has determined that permits have not been issued for construction work on the "Property".

The specific construction for which permits have not been issued includes the following:

1. **A recessed slab, room division, 2nd story mezzanine, electrical, plumbing, air hoses and new lifts installed. "Donati Automotive"**

2. **Stairs and mezzanine. "Econo Sweep"**

Pursuant to Sonoma County Code, Section 7-5, it is unlawful to erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure, or cause the same to be done, without first obtaining a building permit. In the absence of building permits, this construction is a violation of Sonoma County Code Chapter 7 and the California Building Codes incorporated therein.

In order to bring your property into compliance, you are required to either (a) remove the unlawful construction or (b) legalize the unlawful construction by obtaining all required permits and inspections. If you choose to remove the unlawful construction within thirty (30) days, you may avoid civil penalties. A demolition or building permit is required.

If you choose to legalize the unlawful construction, you must first obtain all required Department clearances including but not limited to zoning, well and septic and/or sewer. You must then submit any necessary drawings and plans, obtain the building permits, complete all work necessary under those permits and have the work inspected by this Department. In order to determine what work may need to be done, you will be required to uncover a representative portion of any concealed construction per policy 1-4-2. <u>If all Department clearances necessary to obtain building permits cannot be issued, you will be required to demolish the unlawful construction.</u>

In addition to paying all standard permit and development fees, permits to legalize a violation of the Sonoma County Code are subject to mandatory investigation fees and civil penalties as set forth in Section 113.4 of the California Building Code and Section 1-7.1 of the Sonoma County Code. You must pursue correction of this violation with due diligence in order to avoid further action by this Department as well as increased penalties and costs.

A "Notice and Order" may be issued and posted on the property and a "Notice of Abatement Proceedings" recorded against the title of the Property. You are further advised that failure to comply could also result in a lawsuit being filed against you in Superior Court of the County of Sonoma.

If you believe this notice has been sent to you in error, or if you believe this notice is factually incorrect, it is recommended that you contact the Code Enforcement Supervisor to discuss possible revisions and corrections to our file. There is no cost to discuss this matter with the Code Enforcement Supervisor. Additionally, you have the right to appeal this administrative determination of a violation directly to a Hearing Officer in accordance with Section 1-7.3 of the Sonoma County Code. Any appeal must be submitted in writing within twelve (12) calendar days from the date of this Notice of Violation. If a Hearing Officer finds that a violation exists, you may be responsible for paying the County's administrative costs, including, but not limited to, any administrative overhead, salaries, and expenses incurred for the hearing.

Sincerely,

D Gooding

Denise Gooding
Code Enforcement Division

c: Assessor
Fire Services
File No. VBU08-0163

ADMINISTRATIVE ABATEMENT HEARING
SONOMA COUNTY PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

In the Matter Of:

STIPULATION FOR ENTRY OF ADMINISTRATIVE ABATEMENT ORDER

Phillip Johnson TR Et Al
1599 Hampton Way
Santa Rosa, CA 95407

VBU08-0163

WHEREAS, Phillip & Judith Johnson ("Property Owners") are the owners of record of the real property located in the unincorporated area of the County of Sonoma at 1599 Hampton Way, Santa Rosa, California, Assessor's Parcel No. 125-081-021, (the "Property"); and

WHEREAS, the Code Enforcement Division of the Sonoma County Permit and Resource Management Department (the "Department") has initiated administrative proceedings alleging that the Property Owners have maintained a major remodel of a single family dwelling on the property that was built without required permits in violation of Chapter 7 of the Sonoma County Code; and

WHEREAS, the Department seeks to abate the above-alleged violations and to secure the Property's compliance with the Sonoma County Code; and

WHEREAS, the Department and the Property Owners desire to avoid the cost and delay of further proceedings in this matter;

NOW THEREFORE, IT IS HEREBY STIPULATED by the Department and the Property Owners that the Stipulated Administrative Abatement Order attached hereto as Exhibit A and incorporated herein by this reference may immediately be entered by the Sonoma County Hearing Officer in this administrative proceeding.

SONOMA COUNTY PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

Dated: 5.27.11

Ben Neuman, Code Enforcement Manager

Dated: 5/27/11

Phillip Johnson, Property Owner

Dated: _____

Judith Johnson, Property Owner

S:\CODE_ENF\2008\VBU\vbu08-0163 hearing\1599 Hampton Way stip cover.doc

ADMINISTRATIVE ABATEMENT HEARING
SONOMA COUNTY PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

In the Matter Of:

STIPULATED ADMINISTRATIVE ABATEMENT ORDER

Phillip Johnson TR Et Al
1599 Hampton Way
Santa Rosa, CA 95407

VBU08-0163

_____/

Pursuant to the Stipulation for Entry of Administrative Abatement Order executed by the Sonoma County Permit and Resource Management Department (the "Department") and Phillip Johnson and Judy Johnson (the "Property Owners"), and filed with this Hearing Officer on May 27, 2011;

IT IS FOUND, ORDERED AND ADJUDGED that:

1. Since about May 16, 2008, the Property Owners have maintained the use of the property for the unpermitted construction of a recessed slab, room division, 2nd story mezzanine, electrical, and new lifts in the "Donati Automotive" structure (the "Violations") on the real property located in the unincorporated area of the County of Sonoma at 1599 Hampton Way, Santa Rosa, California, Assessor's Parcel No. 125-081-021 (the "Property"), in violation of Chapter 7 of the Sonoma County Code.

2. Within one hundred eighty (180) days of the date of this Order, the Property Owners shall submit to the Department a complete building or demolition permit application package, together with all necessary drawings and plans, and all required fees, for issuance of any permits to legalize or remove the Violations. Owners shall respond within fifteen (15) days to any Department request for additional information or documentation required for the project approval. Within fifteen (15) days of PRMD approval of the permit application(s), the property owner shall pay any remaining fees and obtain the required permits. Additional time may be granted to accommodate the schedule of a licensed professional.

3. Building or demolition permits issued to legalize or remove this work shall be subject to penalties in the amount of four point five times (4.5X) the building or demolition permit fees pursuant to Sections 1-7 and 1-7.1 of the Sonoma County Code. All work described in the above mentioned permits shall receive final approval from PRMD within one hundred eighty (180) days of permit issuance.

4. In the event that the Property Owners fail to legalize or demolish the Violation within the time frames described above, civil penalties in the amount of $27,650.00 shall be due and payable. Additional civil penalties shall continue to accrue at the rate of sixty-two dollars ($62) per day beginning on May 27, 2011, (the date of this Stipulated Administrative Order) until the Violations on the Property are abated, with credit given for any penalties previously paid.

5. Within thirty (30) days of this Order, the Property Owners shall pay to the Department a total of $1,584.00 in abatement costs, pursuant to Section 1-7 and 1-7.1 of the Sonoma County Code. Payment shall be made payable to the "PRMD" and delivered to the Department at 2550 Ventura Avenue, Santa Rosa, California, 95403. If the amount

specified in this paragraph is not fully paid within thirty (30) days of the date of this Order, any unpaid amount may be assessed against the Property, and may be collected in the same manner as taxes, as provided by Government Code section 25845 and Sonoma County Code section 1-7(b).

6. The Property Owners shall pursue with due diligence all the aforementioned permits and approvals from the Department. Additional time may be granted at the discretion of the Department to any timetable specified in this Order provided the Property Owners can demonstrate due diligence in attempting to bring the property into compliance. All extension requests shall be made in writing to the Department.

7. The Property Owners are hereby permanently enjoined from maintaining or allowing others to maintain the use of the property for the violation.

8. Nothing in Paragraph 5 shall affect the Department's right to recover its abatement costs, including its abatement costs incurred prior to issuance of this Order, in any action initiated by the Department to enforce this Order. In any such action, the Department shall be entitled to recover its court costs, including reasonable attorneys fees.

9. If the Property Owners fail to meet any deadlines set forth in this Order, the County, upon five (5) days' written notice, may enter the Property and undertake the removal and disposal of the Violations on the Property, when and as the Director of the Department in his or her sole discretion determines it to be appropriate. The Sonoma County Sheriff is hereby authorized to send such deputies as the Director deems appropriate to assist in the enforcement of this Paragraph.

10. If the County exercises its rights under Paragraph 9 of this Order, all costs incurred by the County in removing and disposing of any Code violations from the Property may be assessed against the Property and may be collected in the same manner as taxes, as provided by Government Code section 25845 and Sonoma County Code section 1-7(b).

11. The rights and remedies provided in this Order are in addition to, and shall not in any way affect or restrict, the rights and remedies available to the County under California Code of Civil Procedure sections 1209 *et seq.*, or any other provision of law.

12. The Property Owners shall indemnify, hold harmless and defend the County, its agents and employees, from and against any and all claims, demands, liabilities, costs, expenses, actions, and causes of action that may be asserted by any person or entity, including the Property Owners, arising out of or in connection with the performance of the terms of this Order.

DATED: 5/26/11
Vanessa Aching Davenport
Sonoma County Hearing Officer

Judith Johnson

5/27/11

Vanessa Davenport 5/27/11 Sonoma County Hearing Officer

Abatement Costs for Code Enforcement Staff *

NOTE: These costs to be included in Hearing Officer's decision, if found in County's favor. Also included in the Decision, under separate invoicing, are the Hearing Officer's time as well as the Court Reporters time.

Hearing Date: May 27, 2011

File Number: VBU08-0163 Site: 1599 Hampton Way Santa Rosa

Length of Hearing: .25 hour [closest quarter [CE] or sixth hour [W&S Division]]

Investigative Staff: $ 34—

Secretarial Staff: $ 20—

Total: $ 54—

*Additional abatement costs include actual staff time at the hearing at the rate of $136.00/hour for investigative staff and $80.00/hour for clerical staff (Adopted by Board of Supervisors Ordinance No. 5890, Effective 07/10/10)

STIP signed

AFFIDAVIT OF NOTICING

FILE: VBU08-0163 SITE ADDRESS: 1599 Hampton Way Santa Rosa

I, Mark Franceschi, on May 16, 2011.
Name of responsible investigator Date

Posted three (3) copies of the attached poster on or near the subject property at the following locations:

1) "Ponetti Automotive" structure

2) utility pole front of subject property

3) stop sign intersection of Hampton Way & Sebastopol Rd

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Signature: Mark Franceschi

I, Nancy Atwell, on May 17, 2011.
Name of responsible secretary Date

Mailed the attached notice to each owner of record within 300 feet of the subject property. I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Signature: Nancy Atwell

NOTICE OF PUBLIC HEARING

IMPORTANT NOTICE: You are receiving this notice because you reside or own property near the property in question and have the right to attend.

The owners and occupants of real property described on the latest equalized Sonoma County tax roll as APN **125-081-021,** and having a street address of **1599 Hampton Way, Santa Rosa,** are hereby notified to appear before a Hearing Officer of the County of Sonoma at the Permit and Resource Management Department Hearing Room, 2550 Ventura Avenue, Santa Rosa, CA 95403, on Friday, **May 27, 2011,** at the hour of **9:30** a.m. to show cause, if any there be, why the use of said real property for a recessed slab, second story mezzanine, electrical, plumbing, air hoses, and vehicle lifts installed without permits in a structure occupied by "Donati Automotive" located on the subject property should not be found to be a violation of Sonoma County Code Chapter 7, and abated pursuant to the Sonoma County Code.

After an initial showing by the Permit and Resource Management Department, the owner/occupant will have the burden of proving that no violation exists on the property. In this connection, they should be prepared to introduce oral and documentary evidence proving why, in their opinion, the use of the property is not in violation of the Sonoma County Codes. A copy of the County's procedural rules and ordinance relating to abatement hearings are available for review at the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa.

After the hearing, the Hearing Officer will issue a written decision. If the decision of the Hearing Officer finds that a violation exists, the owners of the property shall be responsible for paying the County's administrative costs, including, but not limited to, any administrative overhead, salaries and expenses incurred by the following departments: Permit and Resource Management Department, Public Health, Transportation and Public Works, County Counsel and the District Attorney as well as any penalties assessed pursuant to Sonoma County Code Section 1-7.1. If the owner of the property is responsible for any administrative costs and/or penalties, such costs of abatement and/or penalties shall become a lien against the property and also assessed against the property in the same manner as taxes as is authorized by the Government Code and Sonoma County Code Section 1-7.3.

If the owners/occupants or any interested parties fail to appear at the hearing or fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that all rights have been waived to assert such defenses or such points.

The owner/occupant's failure to sustain the burden of proving that no violation exists on the property will result in an administrative decision ordering the abatement of the unlawful use of this property that is found to be in violation of the Sonoma County Code and may also result in a later judicial order to the same effect. If the Hearing Officer finds that the property is in violation of the Sonoma County Code, the County will contend that the property owners are bound by such finding in any subsequent judicial action to enforce the Hearing Officer's order.

Sonoma County Permit and Resource
Management Department Director

By: Nancy Atwell for
Ben Neuman, Code Enforcement Manager

c: File: **VBU08-0163**

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403-2829
(707) 565-1900 FAX (707) 565-1103

May 13, 2011

Phillip Johnson Tr et al,
Judith Johnson FOB
4591 Health Circle
Rohnert Park 94928

***** CERTIFIED MAIL *****

NOTICE TO ABATE NUISANCE

You are being noticed as Record Owner of real property described on the latest equalized Sonoma County tax roll located at **1599 Hampton Way, Santa Rosa,** California, Sonoma County Assessor's Parcel Number **125-081-021,** to appear before a Hearing Officer of the County of Sonoma at the Permit and Resource Management Department Hearing Room, 2550 Ventura Avenue, Santa Rosa, CA 95403, on Friday, **May 27, 2011,** at the hour of **9:30** a.m. to show cause, if any there be, why the use of said real property for a recessed slab, second story mezzanine, electrical, plumbing, air hoses, and vehicle lifts installed without permits in a structure occupied by "Donati Automotive" located on the subject property should not be found to be a violation of Sonoma County Code Chapter 7, and abated pursuant to the Sonoma County Code.

After an initial showing by the Permit and Resource Management Department, you have the burden of proving that no violation exits on said real property. In this connection, you should be prepared to introduce oral and documentary evidence proving why, in your opinion, the use of said real property is not in violation of the Sonoma County Codes. A copy of the County's procedural rules and ordinance relating to abatement hearings are enclosed.

One week prior to this hearing, the Department will submit to the Hearing Officer a written report setting forth the basis upon which the Department has determined that a violation exists. A copy of the report will also be mailed to you. Prior to the scheduled hearing date, you may submit documentary evidence to the Hearing Officer at the following address:

Vanessa Aching Davenport, ESQ
Veritas Conflict Resolutions
PO Box 1437
Santa Rosa, CA 95402
Phone: 800.735.0474
email: prmdhearingofficer@sbcglobal.net

In order for any oral or written evidence or any claim, defense or privilege to be considered it must be presented to the Hearing Officer at or before the time of the hearing and that failure to do so will constitute a waiver and may prevent such evidence or claim, defense or privilege from being considered in any later proceeding.

After the hearing, the Hearing Officer will issue a written decision. If the decision of the Hearing Officer finds that a violation exists, you will be responsible for paying the County's administrative costs, including, but not limited to, any administrative overhead, salaries and expenses incurred by the following departments: Permit and Resource Management Department, Public Health, Transportation and Public Works, County Counsel and the District Attorney as well as any penalties assessed pursuant to Sonoma County Code Section 1-7.1. If you are responsible for any administrative costs and/or penalties, such costs of abatement and/or penalties shall become a lien against the property and also assessed against the property in the same manner as taxes as is authorized by the Government Code and Sonoma County Code Section 1-7.3. The abatement lien to be recorded shall have the same force and effect pursuant to a money judgment obtained in a court of law.

If you fail to appear at the hearing or fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

If you fail to sustain the burden of proving that no violation exists on the property, that will result in an administrative decision ordering the abatement of the unlawful use of this property that is found to be in violation of the Sonoma County Code and may also result in a later judicial order to the same effect. If the Hearing Officer finds that the property is in violation of the Sonoma County Code, the County will contend that you are bound by such finding in any subsequent judicial action to enforce the Hearing Officer's order.

IMPORTANT: Read this notice carefully. Failure to appear and respond at the time set forth in this notice will likely result in administrative and judicial abatement and termination of uses of this property that the Department contends is in violation of the Sonoma County Code.

Sonoma County Permit and Resource
Management Department Director

Nancy Astwell for

By:
Ben Neuman, Code Enforcement Manager

:nda

Enclosures: Procedural Rules: Resolution 87-2044
Sonoma County Code Chapter 1, Section 1-7.3

c: Occupant at 1599 Hampton Way, Santa Rosa 95407
File: VBU08-0163

B

AGENDA REQUEST SHEET -- ALL INFORMATION MUST BE FILLED IN

Applicant: _____ File No: VBU08-0163

Owner: Phillip Johnson Tr Et Al Date accepted: _____

Appellant: _____ Staff member: Mark

Mailing Address: 4591 Heath Cir, Rohnert Park ZIP: 94928 Sup. Dist: 5

APN: 125081021 Zoning: R3 B6

Site Address: 1599 Hampton Way, Santa Rosa

Agenda Wording: To consider the abatement of a recessed slab, 2nd story mezzanine, electrical, plumbing, air hoses, and vehicle lifts installed without permits in a structure occupied by "Donati Automotive" in violation of Sonoma County Code Chapter 7 and the California Codes incorporated therein.

Project Name: _____ Env. Status: N.D. ____ C.E. ____ EIR ____

Public Hearing: yes ___ no ___ Continued Hearing: yes _____ no _____ from _____

Requested date and amount of time: May 27, 2011

Other parties to be notified and mailing addressed: **(i.e.: agent; appellant; owners)**

NAME: _____ NAME: _____

ADDRESS: _____ ADDRESS: _____

CITY: _____ CITY: _____

NAME: _____ NAME: _____

ADDRESS: _____ ADDRESS: _____

CITY: _____ CITY: _____

REFERRALS AND NOTICING:

Number of Posters?: _____ Which Newspaper?: _____

Need B/S time?: _____ Special Ad Size?: _____

Ref.		Not.	Ref.		Not.
	Public Works-County Surveyor	___	___	Fire Marshal	___
	Environmental Health	___	___	Fire Dist. _____	___
	Public Works-Sanitation	___	___	School Dist. _____	___
	Public Works-Land Develop.	___	___	Water Dist. _____	___
	Ag. Commissioner	___	___	Coastal Commission	___
	Water Agency	___	___	Cal Trans (State)	___
	PRAC Planner	___	___	State Fish & Game	___
	General Plan Staff _____	___	___	State Dept. of Forestry	___
	Dr. Fredrickson, Archaeologist	___	___	State Dept. of Health	___
	Betty Guggolz, Native Plant Society	___	___	State Parks & Recreation	___
	Public Works (Transit)	___	___	Regional Water Quality Control Board	___
	" " (Traffic) Attn: Dave Wallace	___	___	Regional Air Pollution Control Board	___
	Building Inspection	___	___	Regional Parks Department	___
	Army Corps of Engineers	___	___	City of _____ Dept. _____	___
	P.G. & E.	___	___	Alcoholic Beverage Control	___
	Pacific Bell	___	___	Treasurer/Special Assessment	___
	Sheriff-Crime Prevention	___	___	Assessor	___
	LAFCO	___	___	Farm/Home Advisor - Rick Bennett	___
	ALUC	___	___	Other: _____	___
	Other: _____	___	___	Other: _____	___

PENALTY CALCULATION SHEET

	SCORE	WEIGHT	WEIGHTED
Seriousness of Violation = 30% of Total a) Minor violations (1 pt) b) May cause human health/safety or environmental damage (5 pts) c) Has caused human health/safety or environmental damage (10 pts)	5	x .30 =	1.5
Length of Time Violation has Existed = 5% of Total a) Less that six (6) months (1 pt) b) Six (6) months to one (1) year (5 pts) c) More than one (1) year (10 pts)	10	x .05 =	.5
Diligence/Cooperation of Violator/Owner = 15% of Total a) Violator/Owner quickly responded & acted w/ diligence (1 pt) b) Violator/Owner responded after numerous attempts (5 pts) c) Violator/Owner delayed response (10 pts)	5	x .15 =	.75
Effect on Other Properties = 10% of Total a) Minor effect (1 pt) b) Some effect but not significant (5 pts) c) Significant effect on other properties (10 pts)	1	x .10 =	.1
Culpability of Violator/Owner = 20% of Total a) Violator/Owner did not actively create violation (1 pt) b) Violator/Owner created or added to violation (5 pts) c) Violator/Owner had economic incentive/benefit, repeat Violator/Owner or flagrant violation (10 pts)	5	x .20 =	1.0
Sophistication of Violator/Owner = 20% of Total a) Unknowing of regulations (1 pt) b) Possible knowledge of regulations (5 pts) c) Regulations were known (10 pts)	5	x .20 =	1.0
		TOTAL =	4.85

* If significant environmental damage was caused by the violation, add 5 points to the total score, but in no case shall the total score exceed 10.

Violation #: _____ Site: 1599 Hampton Way

Completed by: [illegible] Date: _____

penaltycalc.wpd March 9, 2004

PENALTY SCHEDULE

SCORE	Residential PERMITS* 1-7.1 (a) 2 & 3	Commercial PERMITS* 1-7.1 (a) 1	Other DAILY** 1-7.1 (a) 3	Residential DAILY** 1-7.1 (a) 2	Commercial DAILY** 1-7.1 (a) 1
0 to 1.0	3	3	5	15	25
1.1 to 1.5	3.1	3.3	6	17	30
1.6 to 2.0	3.2	3.7	8	20	35
2.0 to 2.5	3.3	4	10	25	40
2.6 to 3.0	3.4	4.5	13	30	45
3.0 to 3.5	3.5	5	17	35	50
3.6 to 4.0	3.6	5.5	20	40	55
4.0 to 4.5	3.7	6	23	45	60
4.6 to 5.0	3.8	6.5	27	50	62
5.0 to 5.5	3.9	6.7	30	55	67
5.6 to 6.0	4	7	35	60	70
6.0 to 6.5	4.1	7.5	40	65	75
6.6 to 7.0	4.2	8	45	70	80
7.0 to 7.5	4.4	8.3	50	75	85
7.6 to 8.0	4.5	8.7	60	80	87
8.0 to 8.5	4.7	9	70	85	90
8.6 to 9.0	4.8	9.3	80	90	95
9.0 to 9.5	4.9	9.7	90	95	97
9.6 to 10	5	10	100	100	100

Notes:

* The two **PERMITS** columns are multipliers of permits or other approvals.

The three **DAILY columns are dollars per day.

Violation is of the same Sonoma County Code Section within a twelve (12) month period **AND:**

Multiply the DAILY penalty by **2** if the violation is for a second (2nd) offense of the same SCC Section.

Multiply the DAILY penalty by **5** if the violation is for a third (3rd) offense of the same SCC Section.

"Other" is defined under SSC 1-7.1(a)3.

ABATEMENT COSTS

Site Address: 1599 Hampton Way File number(s): VBU08-0163 Inspector:

Accrued abatement costs:

Date(s)	Description	Inspector Hours	Clerical Hours
	Initial Complaint(s)		.5
	Initial site inspection [including photos]	.5	
	Permit history research / Assessors / Zoning determination		
	1st NOV		.25
	QREQ - permit history research		
	2nd site inspection		
	N&O/ 2nd zoning letter, posting, notes	.5	.5
	QREQ - permit history research		.25
	Recordation: research, file review, process	.5	
	Additional site inspections	.5	
	Communication [via phone or at office]: P.O., P.O. atty, neighbors, staff, status updates with complainant, other		
	Consult with department staff		
	Correspondence: other than noticing		
	Expired Permit Notice		
	Reinspection: standard fee		
	Stop work, tape off, stop utilities, etc		
	Photos		
	Custom Letter		
	File review [QREC]		
	Staff Report / hearing prep	6	3
	Stipulated agreement	1	
	Partial abatement lien		
	Collections: tracking, distribute		
	CC&R		
	Close Violation		
	Release of Recordation: standard 2 hour charge + costs & penalties [includes: file review, research, documents, limited p.o. contact and/or title co. contact]		
	Release of Liens		
	CC&R: release of lien		

Date:

9 hours x $136.00 = $ 1,224.00

4.5 hours x $ 80.00 = $ 360.00

Completed by:

TOTAL=$ 1,584.00

2/4/2008
5/19/2008
105

Start Date:	5/16/2008
End Date:	5/27/2011
Date Difference:	1,106
Daily Civil Penalty Amount:	$25
Accrued Civil Penalty:	$27,650.00
Civil Penalty on Hearing Date:	
Total Civil Penalty to Date	$27,650.00
Unpaid Abatement Costs:	
Total:	

Code Enforcement Division
Abatement Hearing Report

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

FILE: **VBU08-0163**
DATE: May 27, 2011
TIME: 9:30 a.m.
STAFF: Mark Franceschi

SUMMARY

Property Owners: Phillip Johnson Tr Et Al, Judith Johnson FOB

Location: 1599 Hampton Way, Santa Rosa
APN 125-081-021 Supervisorial District No. 5

Subject: To consider the abatement of a recessed slab, 2nd story mezzanine, electrical, and vehicle lifts installed without permits in a structure occupied by "Donati Automotive" in violation of Sonoma County Code Chapter 7 and the California Codes incorporated therein.

County Code Reference: Sonoma County Code, Section 7-5 and 7-13

Recommendation: Find the current use of the property to be a continuing violation of the Sonoma County Code Chapter 7 and order abatement within sixty (60) days.

ANALYSIS

Background:

On April 3, 2008, the Code Enforcement Division of the Permit and Resource Management Department (PRMD) received a complaint referral from the City of Santa Rosa alleging a staircase without a handrail and a mezzanine had been constructed on the subject property.

On May 1, 2008, Code Enforcement Inspectors, Dale Hawley and Denise Gooding, inspected the property and found two detached commercial buildings. One structure contained a business identified as "Econo Sweep" and the other structure was occupied by "Donati Automotive."

An inspection of the interior of the Econo Sweep building revealed an unpermitted staircase without a required guardrail leading to a mezzanine area had been constructed. At the interior of Donati Automotive a concrete floor slab was observed that had been altered to create an automobile repair "pit." A room dividing partition, a second story mezzanine, electrical, plumbing for air hoses, and new automobile lifts were also noted.

A review of the permit history revealed that no permits had been issued for this work in either structure.

On May 16, 2008, a Notice of Violation was sent to the property owner for the recessed slab, room division, 2nd story mezzanine, electrical, plumbing for air hoses, and new lifts in the Donati Automotive structure.

EXHIBIT
28 pages

Included in this notice was the stairs and mezzanine built in the Econo Sweep building. The property owner was informed that this work had been constructed without permits and was a violation of Sonoma County Code (SCC) Chapter 7. The property owner was notified that he was required to either remove the unpermitted construction or obtain the necessary permits and inspections within thirty (30) days. This notice further provided that permits submitted to legalize the unlawful construction would be subject to investigation fees and mandatory civil penalties.

On March 19, 2008, Inspector Hawley had a telephone conversation with Jeff Pavros who had been chosen by the property owner to create construction drawings to legalize the unpermitted improvements.

On May 20, 2008, Inspector Hawley sent a facsimile to Jeff Pavros which contained a copy of the Notice of Violation and PRMD form BPC-003 "Building Plan Check Submittal Checklist."

On July 7, 2008, a Notice & Order was sent to the property owner via regular U. S. Mail and Certified Mail Return Receipt Requested to the address listed in the most recent Assessor's records. This notice informed them that the unpermitted improvements to these existing buildings were violations of Chapter 7 of the SCC The property owner was required to obtain a permit to legalize or remove the unpermitted construction. This notice further provided that permits issued to legalize the unlawful construction would be subject to investigation fees and mandatory civil penalties pursuant to SCC Chapter 1. The property owner was also given the opportunity to appeal the Department's determination within thirty (30) days to a Hearing Officer. No appeal was submitted. The Notice & Order was posted on the property by Code Enforcement Inspector Denise Gooding on July 8, 2008.

On July 8, 2008, the property owner contacted Inspector Hawley to inform him that progress was being made on the construction drawings.

On July 25, 2008, the property owner submitted a building permit application (BLD08-3132) to legalize the stairway in the Econo Sweep building. While at PRMD, the property owner met with Inspector Gooding and informed her that he planned on submitting plans for the Donati Automotive improvements within sixty (60) days.

On October 22, 2008, Inspector Gooding conducted a site inspection with the property owner to review the violation issues. The property owner was advised to submit "as-built" construction drawings and to provide Inspector Gooding a copy of the Assessor's records.

On January 23, 2009, the property owner cancelled his previously submitted permit application (BLD08-3132) and applied for a demolition permit (DEM09-0013) to remove the stairway. This demolition permit application was approved and issued that same day.

On February 3, 2009, the demolition permit received final PRMD approval and the part of the violation related to the stairway in the Econo Sweep building was closed.

On March 31, 2010, a Notice of Abatement was mailed to the property owner to inform him that as a result of his failure to abate the violations of Chapter 7 of the SCC, a Notice of Abatement Proceedings has been recorded on their parcel.

On April 29, 2011, a Notice of Hearing/Recusal letter was mailed to the property owner to advise them of the names of potential hearing officers and to provide him an opportunity to file an objection stating why any of the individuals named could not impartially hear this matter. No objection was filed.

On May 17, 2011, a certified Notice to Abate Nuisance was mailed to the property owner to advise them of the date and time of this hearing and to provide them with a copy of the abatement ordinance and hearing procedures pursuant to Section 1-7.3. They were also notified that the unlawful use of the property subjected them to civil penalties and the assessment of abatement costs pursuant to SCC Sections 1-7 and 1-7.1. On May 16, 2011, the subject property and surrounding properties were posted with a similar notice of this hearing.

As of this date, no building permits have been issued to remove or legalize the unpermitted recessed slab, 2nd story mezzanine, electrical, plumbing, air hoses, and vehicle lifts installed without permits in a structure occupied by "Donati Automotive." The property remains in violation.

DISCUSSION OF ISSUES

Unpermitted Construction: Recessed slab, room division, 2nd story mezzanine, electrical, and new lifts in the Donati Automotive structure

Section 7-5(a) of the SCC states: "No person, firm, or a corporation shall erect, construct, enlarge, alter, repair or move, convert or demolish any building or structure in the unincorporated area of this county, or cause the same to be done, without first obtaining a separate building permit for each building or structure."

The property owner was notified of unpermitted construction work on the subject property. They have failed to act on a request that this be legalized. Although included in the violation notices, it has since been determined that the piping for the pressurized air system is exempt from permit requirements. The Notice and Order advised the property owner of the violations of Chapter 7 and provided notice of their right to appeal the Department's determinations. A copy of the Notice & Order was also posted on the property. The property owner did not appeal this determination of a violation and they became final.

ABATEMENT COSTS

PRMD Code Enforcement Division costs incurred as of May 27, 2011, include nine (9) hours of investigative time and four point five (4.5) hours of secretarial time for a total of $1,584.00.

PRMD estimates that additional costs will be incurred as the result of this hearing. The estimated costs to include: hearing officer fees, court reporter fees, and staff time. PRMD requests that the property owner be ordered to pay these costs within twelve (12) days of the date of the hearing officer's decision.

CIVIL PENALTIES

SCC Section 1-7.1 provides for mandatory civil penalties for violations of Chapter 7 of the SCC. Within sixty (60) days, the property owner shall submit complete demolition or building permit application packages (with plans as needed) to legalize or remove the unpermitted recessed slab, room division, 2nd story mezzanine, electrical, and new lifts in the Donati Automotive structure.

If these complete permit application packages are applied for within sixty (60) days, civil penalties will be calculated at six point five times (6.5X) the building or demolition permit fee.

OR

If the property owner fails to submit a complete building or demolition permit application packages within sixty (60) days, then a daily civil penalty will be calculated and applied in the amount of twenty-five dollars ($25.00) per day for each day that the violations have existed on the subject property since the date the property owners were notified via a Notice of Violation on May 16, 2008, through the date of this hearing on May 27, 2011.

1,106 days	X	$ 25.00	=	$ 27,650.00
Period of Time Elapsed		Per day cost		Civil Penalty

If the property owner fails to submit complete permit application packages as described above, then civil penalties will continue to accrue from the date of this hearing and will be calculated in the amount of sixty-two dollars ($62.00) per day for each day that the violations continue to exist on the subject property.

STAFF RECOMMENDATION

Within sixty (60) days, the property owner shall submit any required permit application package(s) (with plans as needed) to legalize or remove the recessed slab, room division, 2nd story mezzanine, electrical, and new lifts constructed without the required permits. These permits shall be obtained in the following manner:

The property owner shall diligently pursue the permit review process by responding within fifteen (15) days to any requests by the Department for corrections or modifications to the submitted documents. Within fifteen (15) days of building plan approval, the property owners shall pay all fees and obtain the permits necessary to legalize or remove the unpermitted work.

Within sixty (60) days, the property owner shall complete all work necessary and obtain final PRMD approval of said permits.

If the property owner fails to submit a permit application package(s) and obtain final department approval within the specified time frames, then the daily civil penalty described above shall be applied and continue to accrue from the date of the Notice of Violation on May 16, 2008, and continuing until the violations are abated. A credit will be given for any penalties already paid.

Staff also recommends that additional time may be granted at the discretion of the Department to any timetable specified provided the property owners can demonstrate due diligence in attempting to bring the property into compliance. All extension requests shall be made in writing to the Department.

It is further recommended that all costs incurred by the County in abating the violation, including the cost of the Hearing Officer and court reporter, be charged to the property owner and that an abatement lien be recorded against the title of the property. Abatement costs incurred as of May 27, 2011, total $1,584.00. Additional abatement costs include actual staff time at the hearing at the rate of $136.00/hour for investigative staff and $80.00/hour for secretarial staff (per Ordinance Number 5890 adopted by the Sonoma County Board of Supervisors on July 10, 2010).

LIST OF ATTACHMENTS

EXHIBIT A: Notice of Violation dated May 16, 2008
EXHIBIT B: Notice & Order dated July 7, 2008
EXHIBIT C: Declaration of service of Notice & Order July 8, 2008
EXHIBIT D: Equalized Taxroll Inquiry and property ownership dated July 2, 2008
EXHIBIT E: Returned receipt form Certified Mail delivery
EXHIBIT F: Notice of Abatement dated March 31, 2010
EXHIBIT G: Notice of Abatement Proceedings recorded April 2, 2010
EXHIBIT H: Notice of Abatement Hearing/Recusal letter dated April 29, 2011
EXHIBIT I: Notice to Abate Nuisance dated April 29, 2011
EXHIBIT J: Equalized Taxroll Inquiry and property ownership dated May 17, 2011
EXHIBIT K: Affidavit of Noticing dated May 17, 2011
EXHIBIT L: Building permit history dated May 5, 2011
EXHIBIT M: Penalty Calculation Sheet