



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Conduct a Public Hearing to consider the appeal from Richard Galantine seeking relief from the Notice and Order to Repair dated October 16, 1996, for his property located at 311 Cherry Street, Lodi

**MEETING DATE:** March 5, 1997

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** That the City Council conduct a Public Hearing to consider the appeal from Richard Galantine that he not have to make the necessary repairs to the dwelling unit and structure to eliminate substandard and deteriorated conditions and thereby meet the minimum requirements set by the Uniform Housing Code. Further, it is recommended that the City Council uphold the actions of the Community Improvement Division by overruling the appeal and order Mr. Galantine to make all necessary repairs in order to bring the structure and dwelling into compliance with minimum housing standards.

**BACKGROUND INFORMATION:** On October 10, 1996, after receiving a report of a substandard dwelling at a property located at the dead end of Cherry Street, off of Central Avenue, and a referral by a Building Division inspector who was responding to the property for a roofing inspection, Community Improvement Division staff responded to the subject address for a housing investigation. The initial investigation found a single-story, wood frame dwelling that appeared to be extremely rundown, with the exception of a new roof that was being installed. Further investigation found evidence of a deteriorated and inadequate foundation system, deteriorated floor joists, and deteriorated and improper framing of walls within the dwelling unit. It was also noted that some plumbing drain installations had been done, that did not fall within the scope of the existing roofing permit, or any previous permit. Additional inspection also found that the southeast corner of the structure, which at one time was a covered porch area, was now improperly enclosed with framing and exterior siding, thereby creating an illegal conversion which eliminated a window providing the required light and ventilation for an adjacent room. For these reasons, a Notice and Order to Repair was issued to the property owner, Mr. Galantine, on October 16, 1996, and mailed to him via certified mail, which he received on October 19, 1996.

Mr. Galantine has acknowledged to staff that there is additional dry rot and deterioration within the structure but he contends that the repairs that he is making is sufficient to make the dwelling "habitable" by his standards, and that "[the building] will be better than when he first got it," and that he should not have to make the additional repairs required in the Notice and Order to Repair.

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

**DISCUSSION:** Section 201.3 of the Uniform Housing Code establishes the property owner as responsible for any violations of the Housing Code and the required maintenance to correct those violations, as well as to maintain the building in a structurally sound, and safe and sanitary condition.

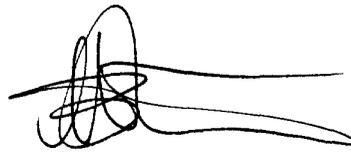
Furthermore, Section 202 of the Uniform Housing Code declares any building, or portion thereof, as a public nuisance if substandard conditions are determined to exist. The initial inspection of the building found deteriorated or inadequate foundation framing members, floor joists and interior wall framing, which are defined as structural hazards in Section 1001.3 of the Uniform Housing Code. That inspection also found that due to some modifications and installations without the necessary building, plumbing or electrical permits, there existed conditions defined as inadequate sanitation, hazardous plumbing and improper occupancy, according to Sections 1001.2, 1001.6, and 1001.14, respectively, of the Uniform Housing Code.

Certain conditions found during that initial inspection also indicated the need for further inspection once certain deteriorated materials or members or other materials were removed to allow access to determine the full extent of deterioration.

The aforementioned structural hazards, inadequate sanitation, hazardous plumbing, and improper occupancy, both individually and collectively, represent conditions which deem the structure to be substandard, and thereby a public nuisance.

Staff recommends that the City Council affirm the findings and conditions that the building, or portions thereof, are unsafe and a public nuisance and that the appeal be overruled and an order be issued, and certified by the City Clerk, that the building be repaired as required by the Notice and Order dated October 16, 1996.

**FUNDING:** None Required



Konradt Bartlam  
Community Development Director

Prepared by Joseph Wood, Community Improvement Manager

KB/JW/jw

Attachments

cc: City Attorney  
Eastside Improvement Committee  
Richard Galantine

COMMUNITY DEVELOPMENT DEPARTMENT  
APPLICATION FOR APPEAL  
BEFORE THE LODI CITY COUNCIL

SUBJECT ADDRESS OF APPEAL:

311 Cherry St.

NAME(S) AND OFFICIAL MAILING ADDRESS(ES) OF APPELLANT(S):

Richard Galantine  
901 S Cherokee Ln  
Lodi Cal 95240

Additional Names Attached

BRIEF STATEMENT OF INTEREST IN THE SUBJECT ADDRESS:

Owner of property

Continued On Additional Page

BRIEF STATEMENT OF THE ORDER OR ACTION PROTESTED, TOGETHER WITH ANY MATERIAL FACTS CLAIMED TO SUPPORT THE CONTENTION OF THE APPELLANT(S):

General indictment of owner of older property

Continued On Additional Page

BRIEF STATEMENT OF THE RELIEF SOUGHT AND THE REASONS WHY IT IS CLAIMED THE PROTESTED ORDER OR ACTION SHOULD BE REVERSED, MODIFIED OR OTHERWISE SET ASIDE:

To be allowed to maintain my property. I was in process of major clean-up of property including a new roof, when city interferred.

Continued On Additional Page

I, R. Galantine DECLARE, UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION FOR APPEAL IS TRUE AND CORRECT.

[Signature]  
SIGNATURE

10/28/96  
DATE

SIGNATURES OF ALL PARTIES NAMED AS APPELLANTS:

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ACCEPTED BY: [Signature]

DATE: 10/28/96

TIME: 8:15 AM

\$250.00 FEE PAID: \_\_\_\_\_

CHECK NO.: \_\_\_\_\_

FEE WAIVED: \_\_\_\_\_

CITY COUNCIL

DAVID P. WARNER, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
RAY G. DAVENPORT  
STEPHEN J. MANN  
JACK A. SIEGLOCK

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6711  
FAX (209) 333-6842

PERRIN

H. DIXON FLYNN  
City Manager  
JENNIFER M.  
City Clerk  
RANDALL A. HAYS  
City Attorney

## NOTICE AND ORDER (U.H.C. SECTION 1101)

October 16, 1996

Richard Galantine  
2446 Grenoble Ct.  
Lodi, CA 95242

Page 1 of 3

**Subject Address: 311 CHERRY STREET - PARCEL NO. 047-140-26**

An inspection of the above-mentioned property was made by the Community Development Department and the violations listed in attached Notice and Order have been found and must be corrected to bring this property into compliance with the Uniform Housing Code. Compliance is not limited to code violations cited, but to all applicable codes required and necessary to bring this property into compliance. If permits are required for the repairs or demolition, such permit(s) must be obtained within **30** days from the City of Lodi, Community Development Department at 221 West Pine Street, Lodi, California, 95240. All work is to commence within **30** days and be completed within **90** days from the date of this Notice and Order. Failure to commence repairs or obtain required permits for repair or demolition within the **30** days or failure to complete repairs or demolition within the time period specified above may result in (1) an order being issued that the building be vacated and posted to prevent further occupancy until the work is completed, and (2) the Building Official may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

Any person having record title or legal interest in this property may appeal from this Notice and Order to the City Council in accordance with section 15.24.040, Lodi Municipal Code. Any appeal must be made in writing and submitted within 10 days from the date of mailing of this notice. This may be done by filling out an application at the Community Development Department, 221 West Pine Street, Lodi, California. Failure to file such an appeal in accordance with the provisions of sections 15.24.040 of the Lodi Municipal Code shall constitute a waiver of all rights to an administrative hearing and adjudication of the Notice and Order or to any portion thereof.

October 16, 1996

Richard Galantine  
2446 Grenoble Ct.  
Lodi, CA 95242

Page 2 of 3

**Subject Address: 311 CHERRY STREET - PARCEL NO. 047-140-26**

Your maintenance of substandard housing may subject you to loss of deductions for interest, depreciation, taxes, and amortization pursuant to the Revenue and Taxation Code of the State of California, sections 17274 and 34436.5.

**NOTE:** Failure to abate will result in reinspection fee(s) for each inspection until compliance is obtained. The amount charged for reinspection(s) is determined by the fee schedule of the individual departments.

If you have any questions regarding this matter, please contact Joseph Wood  
*at (209) 333-6800 x 467.*

COMMUNITY DEVELOPMENT DEPARTMENT

A handwritten signature in cursive script, appearing to read "Joseph Wood", written over a horizontal line.

JOSEPH WOOD, MANAGER  
COMMUNITY IMPROVEMENT DIVISION

October 16, 1996

Richard Galantine  
2446 Grenoble Ct.  
Lodi, CA 95242

Page 3 of 3

**Subject Address: 311 CHERRY STREET - PARCEL NO. 047-140-26**

1. Replace the deteriorated and inadequate foundation for the entire structure in an approved manner.  
**Uniform Housing Code Section 1001.3.1**
2. Remove all deteriorated floor framing and support members **and allow further inspection** before replacing all deteriorated material in an approved manner.  
**Uniform Housing Code Section 1001.2.2**
3. Remove all deteriorated and/or improper wall, ceiling and roof framing **and allow further inspection** before replacing all deteriorated or improper material in an approved manner.  
**Uniform Housing Code Section 1001.3.4**  
**Uniform Housing Code Section 1001.3.6**
4. Allow further inspection of all plumbing installations to insure compliance with applicable codes.  
**Uniform Housing Code Section 1001.6**
5. Remove all wall material in the front porch that was improperly installed without a permit, and reinstall the required framing, electrical receptacles and windows to meet current requirements for habitable rooms; **or** return the porch to its original configuration and use.  
**Uniform Housing Code Section 1001.14**

**GENERAL NOTES**

6. The dwelling unit is currently uninhabitable due to the substandard conditions listed, and therefore will not be allowed to be reoccupied until such time that all violations, including those found during subsequent inspections, are properly corrected and inspected by this Department.

## Chapter 2 ENFORCEMENT

### SECTION 201 — GENERAL

**201.1 Authority.** The building official is hereby authorized and directed to enforce all of the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

**201.2 Right of Entry.** When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**201.3 Responsibilities Defined.** Owners remain liable for violations of duties imposed by this code even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.

Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.

Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Owners shall, when required by this code, the health ordinance or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall dispose of their rubbish, garbage and other organic waste in a manner required by the health ordinance and approved by the health officer.

Occupants shall, when required by this code, the health ordinance or the health officer, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

### SECTION 202 — SUBSTANDARD BUILDINGS

Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

## Chapter 10

# SUBSTANDARD BUILDINGS

### SECTION 1001 — DEFINITION

**1001.1 General.** Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building Code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

**1001.2 Inadequate Sanitation.** Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.
2. Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.
3. Lack of, or improper kitchen sink in a dwelling unit.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
6. Lack of adequate heating facilities.
7. Lack of, or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this code.
9. Room and space dimensions less than required by this code.
10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin or rodents as determined by the health officer.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

**1001.3 Structural Hazards.** Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.

7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.

9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

**1001.4 Nuisance.** Buildings or portions thereof in which there exists any nuisance as defined in this code are deemed substandard buildings.

**1001.5 Hazardous Electrical Wiring.** Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not being used in a safe manner shall be considered substandard.

**1001.6 Hazardous Plumbing.** Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.

**1001.7 Hazardous Mechanical Equipment.** Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.

**1001.8 Faulty Weather Protection.** Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

**1001.9 Fire Hazard.** Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered a substandard building.

**1001.10 Faulty Materials of Construction.** The use of materials of construction, except those which are specifically allowed or approved by this code and the Building Code, and which have been adequately maintained in good and safe condition, shall cause a building to be substandard.

**1001.11 Hazardous or Unsanitary Premises.** The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions on a premises constitutes fire, health or safety hazards which shall be abated in accordance with the procedures specified in Chapter 11 of this code.

**1001.12 Inadequate Exits.** Except for those buildings or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to

any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exit, or when other conditions exist which are dangerous to human life.

**1001.13 Inadequate Fire-protection or Firefighting Equipment.** Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

**1001.14 Improper Occupancy.** All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies shall be considered substandard.



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: March 5, 1997

Time: 7:00 p.m.

For information regarding this notice please contact:

**Jennifer M. Perrin**

**City Clerk**

**Telephone: (209) 333-6702**

### NOTICE OF CONTINUED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, March 5, 1997** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) To hear the appeal from Richard Galantine regarding the Notice and Order to Repair dated October 16, 1996, for his property located at 311 Cherry Street, Lodi

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

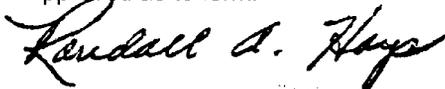
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

  
Jennifer M. Perrin  
City Clerk

Dated: February 19, 1997

Approved as to form:



Randall A. Hays  
City Attorney



## **DECLARATION OF MAILING**

### **Public Hearing: GALANTINE APPEAL**

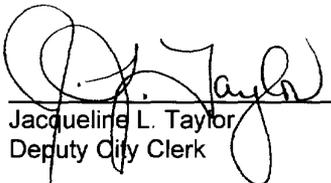
On February 20, 1997 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 20, 1997, at Lodi, California.

Jennifer M. Perrin  
City Clerk

  
\_\_\_\_\_  
Jacqueline L. Taylor  
Deputy City Clerk

\_\_\_\_\_  
Linda S. Nichols  
Administrative Clerk

OF LODI

L. 221 W. PINE ST.  
D. BOX 3006  
FORNIA 95241-1910

RICHARD GALANTINE  
2446 GRENOBLE COURT  
LODI, CA 95242

OF LODI

.. 221 W. PINE ST.  
. BOX 3006  
FORNIA 95241-1910

EASTSIDE IMPROVEMENT COMMITTEE  
P.O. BOX 2444  
LODI, CA 95241

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
JACK A. SIEGLOCK  
Mayor Pro Tempore  
KEITH LAND  
STEPHEN J. MANN  
DAVID P. WARNER

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3008  
LODI, CALIFORNIA 95241-1910  
COMMUNITY IMPROVEMENT DIVISION  
(209) 333-6823  
FAX (209) 333-6842

F/U 3/5/97  
H. DIXON FLYNN  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

April 11, 1997

Richard Galantine  
2446 Grenoble Court  
Lodi, CA 95242

Page 1 of 2

**311 CHERRY STREET - PARCEL NO. 047-140-26**  
**ORDER OF THE CITY COUNCIL**

On March 5, 1997, the Lodi City Council, acting as the Board of Appeals, conducted a public hearing to hear your appeal regarding the Notice and Order that was issued on October 16, 1996, for the above-mentioned address, for which you listed as the owner of record.

During that public hearing, the City Council heard and considered testimony from you, from Community Development Department staff, and from members of the public, in relation to the conditions that exist within the structure that warranted the issuance of the Notice and Order to repair.

Richard Galantine  
2446 Grenoble Court  
Lodi, CA 95242

Page 2 of 2

After full and fair consideration of the evidence and testimony received at that hearing, the City Council affirmed staffs findings and conditions that the building, or portion thereof, was unsafe and a public nuisance and thereby denied the appeal and issued the order, to be certified by the City Clerk, that the building or structure be repaired as required per the Notice and Order dated October 16, 1996.

Pursuant to Section 1204 of the Uniform Housing Code, enforcement of the Notice and Order was stayed during the pendency of the appeal. The denial of this appeal thereby removes any stay of enforcement and affirms the requirements that permits be obtained and the required repairs commence within **30 days** and be completed within **90 days** from the date of this subsequent order from the City Council.



JOSEPH WOOD, MANAGER  
COMMUNITY IMPROVEMENT DIVISION  
COMMUNITY DEVELOPMENT DEPARTMENT



JENNIFER M. PERRIN  
CITY CLERK