



Jan 22, 2024 10:37 AM

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JORDAN Z. MARKS,

SAN DIEGO COUNTY RECORDER
FEES: \$0.00 (SB2 Atkins: \$0.00)

PAGES: 8

RECORDING REQUESTED BY
and when recorded mail to:
City of San Diego
Building and Land Use Enforcement Division
Development Services Department
Attn: Nicole Garcia
1222 First Avenue, 5th Floor, M.S. 511
San Diego, CA 92101-4101

Space above line is for Recorder's use.

Notice of Pending Enforcement Action: Notice and Order to Vacate and Repair Substandard Building

<u>Assessor's Parcel No.</u>	<u>Property Address</u>	<u>Owner's Name & Address</u>
541-533-05-00	4647 F Street San Diego, CA 92102	Dalia Gutierrez 4647 F Street San Diego, CA 92102

Pursuant to California Health and Safety Code section 17985(a), this "Notice of Pending Enforcement Action" is being recorded by the City of San Diego against the above described property, which is more specifically described as:

LOT 358 OF CHOLLAS VIEW SUBDIVISION UNIT NO. 2, IN THE cm OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CAUFORNIA, ACCORDING TO MAP THEREOF NO. 3878 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, MAY 1, 1958.

Attached to this Notice is the actual **Notice and Order to Vacate and Repair Substandard Building and Abate Public Nuisance** issued by the City of San Diego to the property owner.

This Notice of Pending Enforcement Action shall remain on record until a Notice of Final Disposition of the enforcement action is recorded by the City of San Diego pursuant to California Health and Safety Code section 17985(b).

Dated: **January 17, 2024**

CITY OF SAN DIEGO

Elizabeth Brennan
Code Enforcement Coordinator

EMB/CLA

Enclosure: Notice and Order to Vacate and Repair Substandard Building, and Abate Public Nuisance dated January 17, 2024 (EXHIBIT A).

CE# 0517498

4647 F Street_ced104c_CLA

Exhibit A



MAILED

JAN 17 2024

BUILDING AND LAND USE
ENFORCEMENT DIVISION

January 17, 2024

NOTICE AND ORDER TO VACATE AND REPAIR SUBSTANDARD BUILDING, AND ABATE PUBLIC NUISANCE

VIA REGULAR MAIL AND POSTING.

Owner/
Responsible Person: Dalia Gutierrez
Address: 4647 F Street
San Diego, CA 92102

Occupants: Dalia Gutierrez
Additional Occupants

LEGAL NOTICE AND ORDER of the Building and Land Use Enforcement Division,
Development Services Department of the City of San Diego regarding:

Property: 4647 F Street

APN: 541-533-05-00

Zone: RM-1: Single Family Residence

You are hereby notified that based on recent inspections by the Building and Land Use Enforcement Division (BLUE) on **October 3, 2023**, and **November 02, 2023**, the structure and premises located at **4647 F Street** are substandard and a public nuisance pursuant to California Health and Safety Code sections 17920.3, 17980, and 17980.6. The conditions and violations observed at the above property are so extensive and of such a nature that the structure and premises endanger the life, limb, health, property, safety or welfare of any occupants or the public.

The property also constitutes a public nuisance as defined by San Diego Municipal Code (SDMC) section 11.0210, in violation of H&SC section 17920.3(c) and SDMC sections 12.0204(a) and 54.0208(a) **due to the unpermitted construction, exposed wiring at the property as well as the junk, trash, and debris located on the exterior.**

Per the San Diego County Assessor records, the property was originally developed in 1942 as

a single family dwelling with two bedrooms, one bathroom, a living room, and kitchen. The property is located within the RM-1-1 zone. Currently the dwelling contains five bedrooms, two bathrooms, a living room, dining area, carport, and two additional structures. The property is occupied by the property owner and her family members.

The inspections revealed:

Main Dwelling Unit:

- Unpermitted makeshift addition to the rear of the existing dwelling.
 - Lack of adequate siding on the exterior of the dwelling.
 - Ceiling receptacle in the living area, bathroom vanity and bedroom with live exposed wiring.
- Unpermitted patio addition on west side of dwelling with modifications to the structure, mechanical/plumbing and electrical systems.
 - Electrical receptacle(s) missing the required cover(s).
 - Dead front cover is missing from main electrical panel.
 - Unpermitted laundry service additions.
 - Lack of adequate siding on the exterior of the dwelling.
 - Unpermitted water heater installation.
 - Dilapidated and raised foundation with flooring.
- Gap is evident where the roof eaves meet the stucco façade at the front (North) side of the dwelling.
- Unpermitted gas with no shut off valve.
- Unpermitted shower conversion.
- Lack of required smoke detectors throughout the dwelling.
- Lack of required carbon detectors throughout the dwelling.
- One kitchen sink is double-trapped, and a second sink has been installed on the backside of the kitchen sink pony wall.
- Missing receptacle cover plates throughout the dwelling.
- Unpermitted wiring with extension cord.

Exterior of the Property:

- Lack of emergency egress through front gate.
- Unpermitted accessory structure with electrical.
 - There is exposed electrical in receptacles within the accessory structure.
 - There is a lack of required cover plates within the accessory structure.
- Unpermitted Construction of another room addition.
- Unpermitted patio cover.
- Unpermitted electrical installed on east side of dwelling, live exposed wiring observed.
- Unpermitted HVAC wall units.
- The exterior siding of the dwelling has been replaced with stucco.
- Unapproved fencing materials.
- Non-incident storage.
- Fence located in the visibility area.

- Elimination of the required off-street parking due to non-incident storage.

As the property owner and responsible person, you are hereby ordered to vacate and expeditiously repair the property, and abate the public nuisance as specified in this Notice and Order.

VIOLATIONS FOUND DURING INSPECTION

Health and Safety Code Violations - there are numerous violations which exist at the property that make it substandard pursuant to the California Health & Safety Code (H&SC). Specifically, H&SC section 17920.3 provides that:

Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building...

The conditions which exists at the property and the corresponding California H&SC section 17920.3 violated are listed below. Violations of the SDMC and state law are cited where applicable.

- 1. Any Nuisance-** There is non-incident storage on the exterior of the property that creates a public nuisance as well as unpermitted construction and exposed electrical wiring. H&SC section 17920.3(c).
- 2. Lack of Required Parking-** Non-incident storage in front of property on trailer has eliminated access to required off-street parking. SDMC section 131.0448(a)(b).
- 3. Conditions that Cause a Fire or Explosion** - There is live exposed electrical wiring, unpermitted use of extension cords and unpermitted wiring and gas piping. Health and Safety Code §17920.3(h)
- 4. Deteriorated and Ineffective Waterproofing of Exterior Walls** - There is a lack of adequate siding on the exterior of dwelling. Health and Safety Code §17920.3(g)(2)
- 5. Wiring Not in Good and Safe Condition** - There is live exposed wiring at receptacles above the bathroom vanity and missing receptacle cover plates throughout. Electrical receptacles are missing the required covers in the patio. The dead front cover is missing from the main electrical panel. Unpermitted electrical modifications installed on east side of dwelling. Health and Safety Code §17920.3(d).
- 6. Inadequate Exit Facilities** - The gates at front of property are padlocked closed causing egress violations. Health and Safety Code §17920.3(l)
- 7. Defective or Deteriorated Flooring or Floor Supports** - The unpermitted patio addition on west side of dwelling has a raised foundation with flooring which is failing. Health and Safety Code §17920.3(b)(2)

8. **Faulty Weather Protection** – A gap is evident where the roof eaves meet the stucco façade at the front (North) side of the dwelling. Health and Safety Code §17920.3(g)
9. **Non-permitted Building Used for Living Purposes** – Unpermitted makeshift addition was added to the rear of the existing dwelling that has two bedrooms and a bathroom. Health and Safety Code §17920.3(n)
10. **Non-permitted Plumbing/Mechanical Installation** – Unpermitted plumbing modifications were installed to accommodate added laundry services and the removal of the existing bathtub to convert it to a shower. There is an unpermitted patio addition on the west side of dwelling with modifications to the mechanical/plumbing systems. (Unpermitted water heater.) A second sink has been installed on the backside of the kitchen sink pony wall. H&SC section 17920.3(e); and SDMC section 121.0302(a) and 129.0402.
11. **Lack of Construction Permit Inspections** – The required permits were not obtained for the extensive building modifications nor were the requisite inspections completed. SDMC §129.0111
12. **Non-permitted Appliance and Equipment Connections to Building Piping** – Gas flex to range is routed through a wall/cabinet, was unable to determine location of shut-off valve. California Plumbing Code 1212.0 et seq.
13. **Inadequate Sanitation**– The kitchen sink is double-trapped. H&SC section 17920.3(a)(3).
14. **Smoke Alarms** – Lack of required smoke alarms throughout the dwelling. California Residential Code section R314.1 et seq.
15. **Carbon Monoxide Alarms** – Lack of required carbon monoxide alarms throughout the dwelling California Residential Code section R315.1 et seq.
16. **Construction Materials for Fences and Retaining Walls** – Unapproved fencing materials. SDMC §142.0370
17. **Location and Height of Fences** – Fences in visibility areas shall not exceed 3 feet in height. SDMC section 142.0310.

ORDER TO VACATE

You are hereby notified that the structure and premises located at 4647 F Street are substandard and a public nuisance. Pursuant to California Health and Safety Code sections 17920.3, 17980, and 17980.6, the Building and Land Use Enforcement Division is hereby notifying you that all residents, tenants, or occupants of the structure and premises located at 4647 F Street must vacate no later than 10 calendar days from the posting of this Notice and Order.

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Notice and Order to Vacate and Repair
4647 F Street
January 17, 2024

You shall not rent, lease or allow anyone to occupy or frequent any portion of this property until all substandard conditions are corrected, the dwelling unit is made habitable and brought into compliance with all state and local regulations, and BLUE grants final approval after inspection. Prior to occupancy, you shall restore all Utility Service to the property.

Please be advised that California Civil Code section 1942.5 prohibits a lessor from retaliating against a lessee for reporting substandard housing conditions.

Lessees can contact the Tenants Legal Center at (858) 571-7100 or (619) 277-7400, or the Legal Aid Society at (877) LEGAL AID (1-877) 534-2524 to report any retaliation.

ORDER TO REPAIR

You are hereby ordered to expeditiously repair and correct the violations immediately:

You shall IMMEDIATELY, or within 10 calendar days, from the date of posting of this Notice and Order:

1. Disconnect or protect all live, energized parts of electrical wiring.
2. Install missing cover plates which are rated for the location to which they are installed, as required.
3. Perform modifications to ensure adequate exit facilities by removing padlocks from gates.
4. Shut off gas to range in kitchen until permits are obtained to properly locate the shut off valve for the appliance.
5. Cease unpermitted use of extension cords and remove all extension cords being used as a substitute for fixed wiring.
6. Install smoke alarms and carbon monoxide detectors.

Within 30 calendar days from the posting of this Notice and Order:

7. Remove all non-incident storage from the exterior of the premises.
8. Remove trailer from the premises.
9. Correct fencing violations.
10. Clean up the property, by removing all non-incident storage, junk, and trash from the exterior. Restore parking.
11. **Within 30 calendar days from the date of this Notice and Order, you shall submit an electronic application and two full sets of plans detailing all structures and work required and prepared by a registered professional to (1) obtain all required permits to either keep or modify any unpermitted work, (2) or to restore the property to its last permitted configuration. The permits must address the list of violations contained in this Notice and Order and must be called out in the building plans, within the scope of work. The building plans must identify all unpermitted work on the appropriate sheets as applicable and define any unpermitted work as such. The application plans must be submitted to Elizabeth Brennen, Development Services Department, 1222 First Avenue, 5th**

floor, San Diego, CA 92101, for review and approval. The permits must address, including but not limited to:

- Unpermitted addition to the rear of the existing dwelling.
- Unpermitted patio addition on west side of dwelling.
- Unpermitted accessory structure with electrical modifications and 300 sq. ft. projected roof area on the south side of lot.
- 150 square foot patio cover on the east side of the dwelling.
- Two plug-in type HVAC wall units on east side of dwelling.
- Stucco replacement of exterior siding
- Two laundry service additions to west side patio.
- Unpermitted water heater installation at west side patio.
- Bathtub to shower conversion
- Sink installed on the backside of the kitchen sink pony wall.
- Unpermitted electrical installed on east side of dwelling.
- Required modifications to gas supply piping to range.

All applications for permits must be submitted online. Please go to <https://www.sandiego.gov/development-services> and click on apply for a permit online. Be advised that BLUE will be reviewing the submitted plans for enforcement compliance.

- **Within 10 calendar days after BLUE approves the plans, you shall submit the application and plans to Development Services Department (DSD), 1222 First Avenue, 5th floor, San Diego, CA 92101.**
- **Within 90 calendar days from obtaining all required permits from DSD, you shall obtain all final inspections and approvals.**
- **Upon completion of permits contact Cassidy Anderson, Combination Building Inspector II, Building and Land Use Enforcement Division, at (619) 533-6132 to schedule a compliance inspection.**

ORDER TO REMOVE ALL PUBLIC NUISANCE CONDITIONS

Immediately remove all public nuisance conditions from the interior and exterior of the entire premises including maintaining the property free of all waste, trash, rubbish, debris, and all items not incidental to a residential use. Cease and maintain the property free of all public nuisance activity. Immediately remove unapproved fencing materials; Plywood, tarp, and doors are not permitted fence materials. Remove Fences in visibility areas exceeding 3 feet in height. Remove outdoor storage in the rear and side yards including but not limited to, buckets, ladders, scaffolding, tools, lumber, stockpiles of materials covered with tarps, buckets of paints, trash and debris, and other miscellaneous items.

FRANCHISE TAX BOARD WILL BE NOTIFIED

You are also notified that sections 17274 and 24436.5 of the California Revenue and Taxation Code provide in part that no deduction shall be allowed to a taxpayer for interest, taxes, depreciation, or amortization paid or incurred in the taxable year with respect to

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4647 F Street
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substandard housing which is rented for income, if the substandard conditions are not corrected within (6) months of the date of this Notice and Order the City will be notifying the Franchise Tax Board of substandard conditions at your property.

REQUIREMENTS IF YOU SELL PROPERTY

Health and Safety Code section 17991(c) requires that if you sell or transfer the property during the period between the issuance of this Notice and Order, then you are required to record a "Notice of Conveyance of Substandard Property" with the County Recorder's Office and provide the City of San Diego with the name, address and driver's license or identification number of the new owner(s) within 5 business days of the sale or transfer of the property.

ADDITIONAL ENFORCEMENT ACTIONS

Additional enforcement actions include but are not limited to administrative abatement, civil penalties, appointment of a receiver, pursuant to Health and Safety Code section 17980.7(c), revocation of permits, withholding of future municipal permits, or the filing of judicial action.

A copy of this Notice and Order will be recorded with the County Recorder's Office pursuant to Health and Safety Code section 17985(a).

Be advised that there is a reinspection fee (\$264.00 or \$295.00) to recover costs for additional inspection services in accordance with San Diego municipal Code, Section 13.0103. A bill for this service will be mailed to you immediately following the third scheduled inspection.

This case has been referred to the Nuisance Abatement Unit of the City Attorney's Office. Should you have any questions regarding this Notice and Order, please contact Cassidy Anderson (619) 533-6132/CLAnderson@sanidiego.gov or Tommy Thomas at (619) 236-5553, Building and Land Use Enforcement Division, 1222 First Avenue, 5th Floor, San Diego, CA 92101-4101, Monday through Friday from 7:00 a.m. – 3:30 p.m., except holidays, or in writing to the address listed above, Attention: Cassidy Anderson. You may also call Deputy City Attorney Jennifer E. Jacobelli at (619) 236-6225.



Cassidy Anderson
Combination Building Inspector II



Tommy Thomas
Zoning Investigator II

TJT/jef

cc: File

CE# 0517498

This information will be made available in alternative formats upon request.

CE# 0517498_4647 F Street_blue127_CLA_TLT