

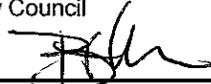


Agenda Date: 07/14/2015
Agenda Item: 5.1

MEMORANDUM

Date: May 26, 2015
To: Bryan H. Montgomery, City Manager
From: Libby Vreonis, City Clerk/Paralegal
Subject: Review of Administrative Hearing Officer's Decision Regarding Four Properties (600 & 631 Mockingbird Lane, 245 Robinwood Avenue, 10 Golden Eagle Court, Oakley, California) Subject to the City's Rental Inspection Program

Approved and Forwarded to
City Council


Bryan H. Montgomery, City Manager

Summary and Recommendation

This is an appeal to the City Council from the decision of the Administrative Hearing Officer which upheld four citations. Four administrative citations were issued regarding four separate rental units owned by the Gwynn Living Trust for failure to register and pay fees for the Rental Inspection Program, a violation of Oakley Municipal Code Section 4.30.210. Staff recommends that the City Council review the Administrative Hearing Officer's decision and either confirm or deny the decision.

Fiscal Impact

None.

Background and Analysis

David W. Gwynn, Trustee of the Gwynn Living Trust, owns four properties located in the Quail Valley neighborhood which are part of the Quail Valley Home Owners Association. He was issued four administrative citations in the amount of \$100.00 for each of his four properties for failure to register and pay fees for the Rental Inspection Program, a violation of Oakley Municipal Code Section 4.30.210.

Mr. Gwynn timely appealed the citations. For an appeal to be heard, either the fine amount(s) or a request for hardship waiver of the fine amount(s) must be submitted at the time the request for appeal is filed. Mr. Gwynn paid the fine amount of \$100.00 when he submitted the request for appeal, an amount agreed upon by Mr. Gwynn and

the City of Oakley Code Enforcement Manager. No additional amount has been collected as of the date of this report.

The matter was heard by an Administrative Hearing Officer on April 21, 2015. The administrative record is included for your review (Attachment A). The Administrative Hearing Officer upheld the citation for the reasons set forth in his decision (Attachment B). Mr. Gwynn has timely requested a review of the Administrative Hearing Officer's decision by the City Council (Attachment C) as allowed under Oakley Municipal Code Section 1.5.212 (Attachment D). Mr. Gwynn requested his email and attachment dated May 12, 2015 be provided to the City Council for review (Attachment E).

Pursuant to Oakley Municipal Code Section 1.5.212, the City Council may review the matter based on the written record presented to it or at its discretion may allow oral argument to be made by the parties. This Section also provides that the City Council shall announce its decision at the meeting where the matter is considered or at such meeting to which the matter may be continued by the City Council.

Conclusion

Staff recommends that the City Council review the Administrative Hearing Officer's decision and either confirm or deny the decision.

Attachments

- (A) Administrative Record
- (B) Administrative Citation Hearing Decision;
- (C) Request for Appeal to Oakley City Council Regarding Administrative Hearing Officer's Decision;
- (D) Oakley Municipal Code Section 1.5.212
- (E) Comments from David Gwynn and Quail Valley Estates Property Review Report dated February 20, 2015

To: Administrative Hearing Officer

15 April 2015

From: Code Enforcement (Troy Edgell)

Subject: Rental Registration Inspection Program Citation Appeal: David Gwynn
Property Owner of 600 & 631 Mockingbird Lane, 245 Robinwood Ave, and 10 Golden
Eagle Court (Located within the Quail Valley Estates Homeowners' Association)

City's Understanding of Basis for Appeal: Mr. Gwynn informed Code Enforcement it is his belief rental properties located within Homeowners Association (HOA)-governed neighborhoods are exempt from the requirement to register and participate in the mandatory Rental Dwelling Unit Inspection Program (RRIP) because they are subject to HOA rules regarding property maintenance standards.

City's Position:

It is Code Enforcement's position that the RRIP is mandatory for all residential dwelling units rented in Oakley per Oakley Municipal Code 4.30. This includes but is not limited to HOA-controlled neighborhoods. The applicable Code and listed Exemptions are as follows:

4.30.204 Application of Chapter

(a) This Chapter applies to all existing rental dwelling units, including units owned, operated and/or subsidized by public agencies. This Chapter also applies to premises on which these units are located, including parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs and spas.

4.30.206 Exemptions

The following types of rental dwelling units are exempted from the application of this Chapter:

- (a) All mobile homes, manufactured homes, recreational vehicles, and other dwelling units located in a mobile home park.
- (b) Hotels and motels.
- (c) Units that are unavailable for rent as indicated by a statement that the property owner has submitted to the Director that the unit is not available for rent, and that prior to offering the unit available for rent, the property owner will notify the Director and register the units as described in this Chapter.

Furthermore, Code Enforcement offers the following two arguments and data that supports its position HOA-controlled neighborhoods should not be exempt from this requirement.

1. Code Enforcement routinely responds to complaints within HOA neighborhoods on a weekly basis. Specifically, since the RRIP began performing inspections in November 2014 for the 2015 RRIP cycle, Code Enforcement issued 862 correction notices for code violations both related and un-related to the RRIP. Of these, approximately 12% of the violations occurred in HOA-controlled neighborhoods (106). The figures above do **NOT** represent the requests for investigation of potential violations that did not result in issuance of a correction notice. See Tab 1 for specific HOA statistics.
2. When unable to achieve satisfaction, HOA's themselves have contacted Code Enforcement to assist in remedying nuisances that are applicable to both HOA and City Codes. Two cases illustrating this fact are provided in Tab 2.

Summary: It is Code Enforcement's position that based upon OMC 4.30, adopted in 2008 and later amended in 2014, the Rental Dwelling Unit Inspection Program is mandatory and does not provide exception for HOA-specific neighborhoods. Furthermore, the data gathered proves that HOA neighborhoods experience property maintenance issues similar to non-HOA neighborhoods and require the same Code Enforcement resources that non-HOA neighborhoods require.

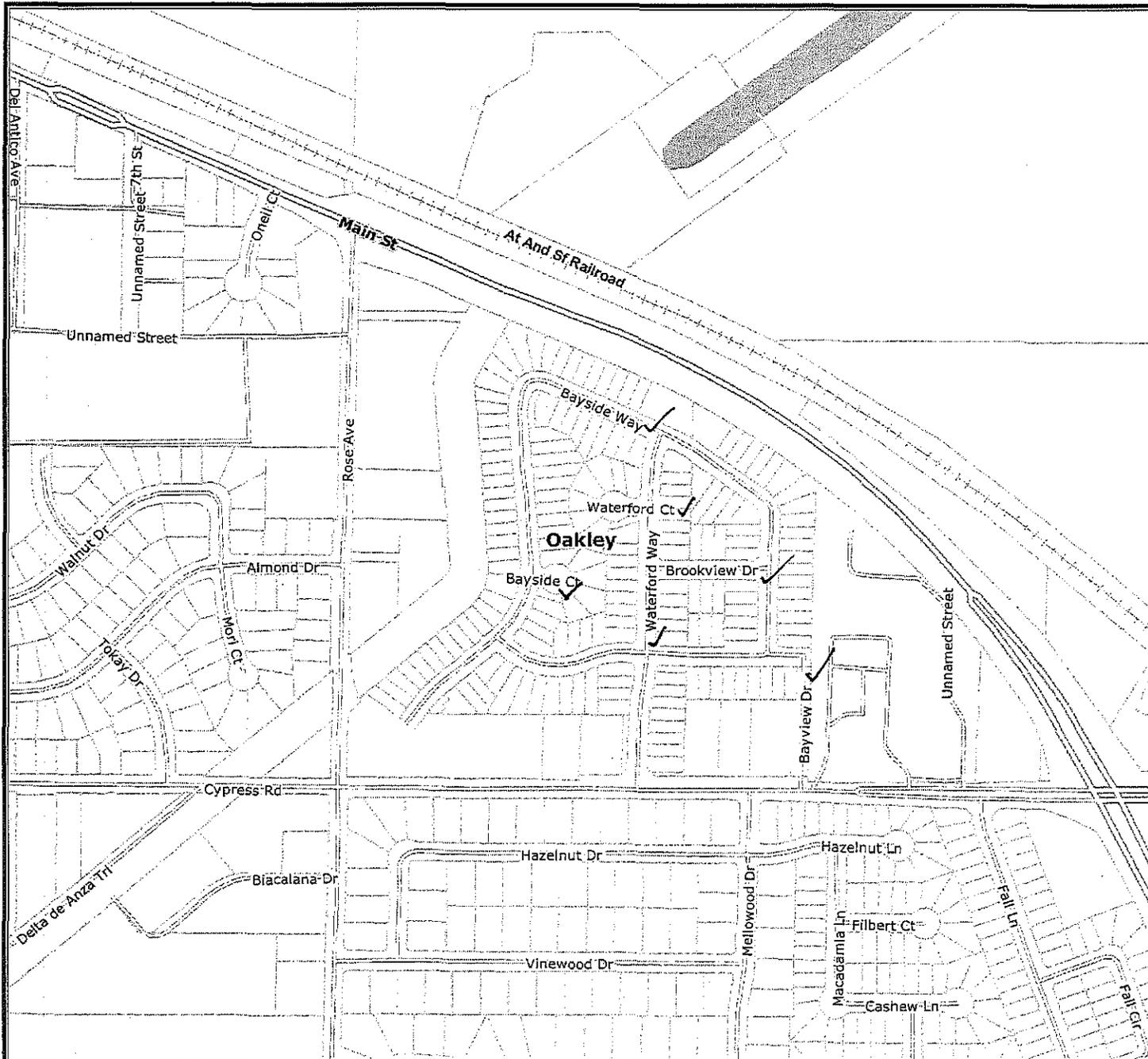


Troy Edgell
Code Enforcement Manager
City of Oakley

Attachments:

Tab 1: HOA Code Violations requiring Code Enforcement action

Tab 2: HOA Request for Code Enforcement assistance: Cases 2014-0872 & 2013-0052



Parcel
 Exhibit 1
 Code Violations
 Responded To Since
 Nov 2014

Property Maintenance
 IIII IIII = 10

Garbage
 IIII I = 6

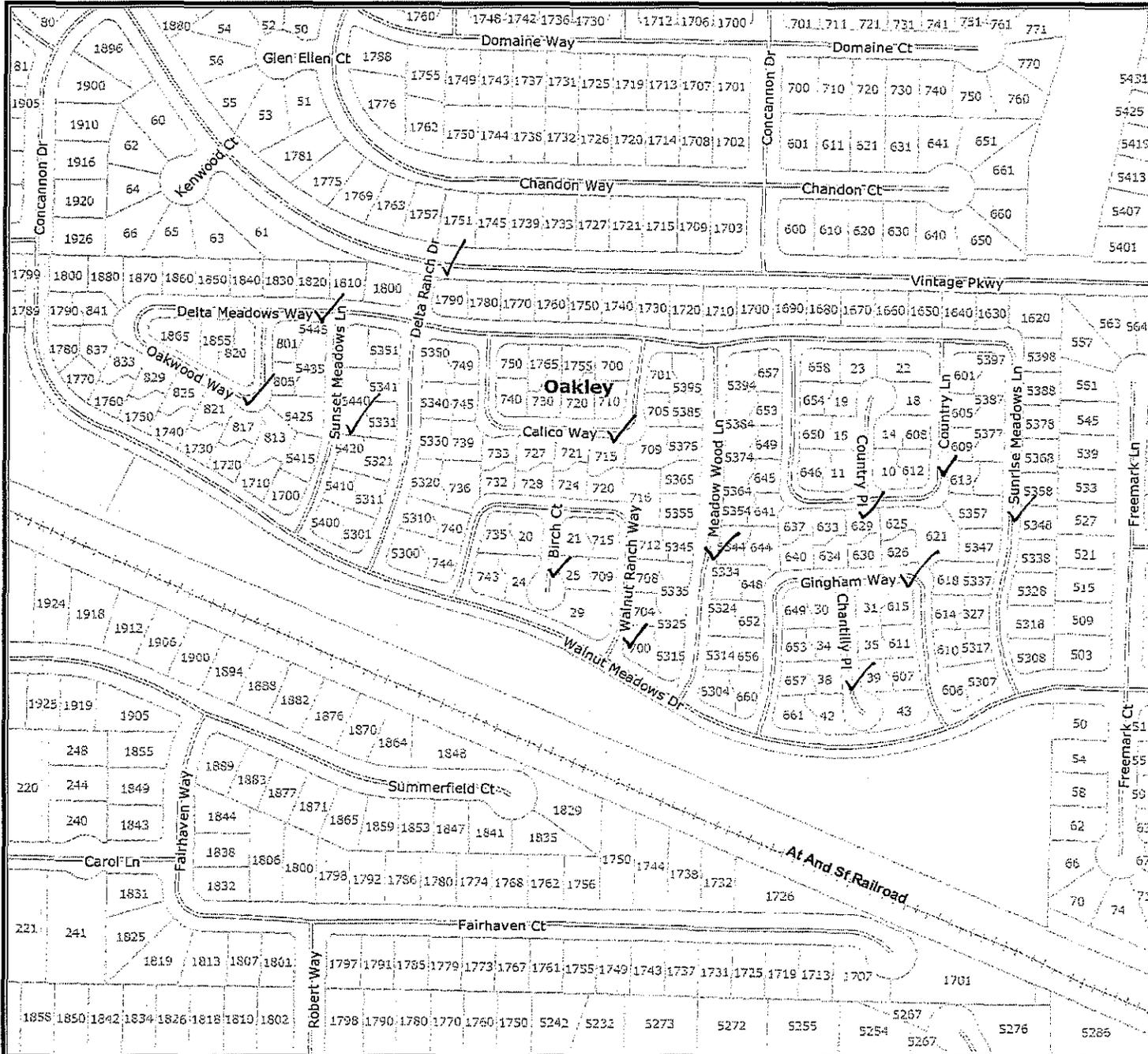
Vehicle
 II = 2



CA Dawn HOA

Scale 1:5,000
 Contra Costa Internet GIS Map
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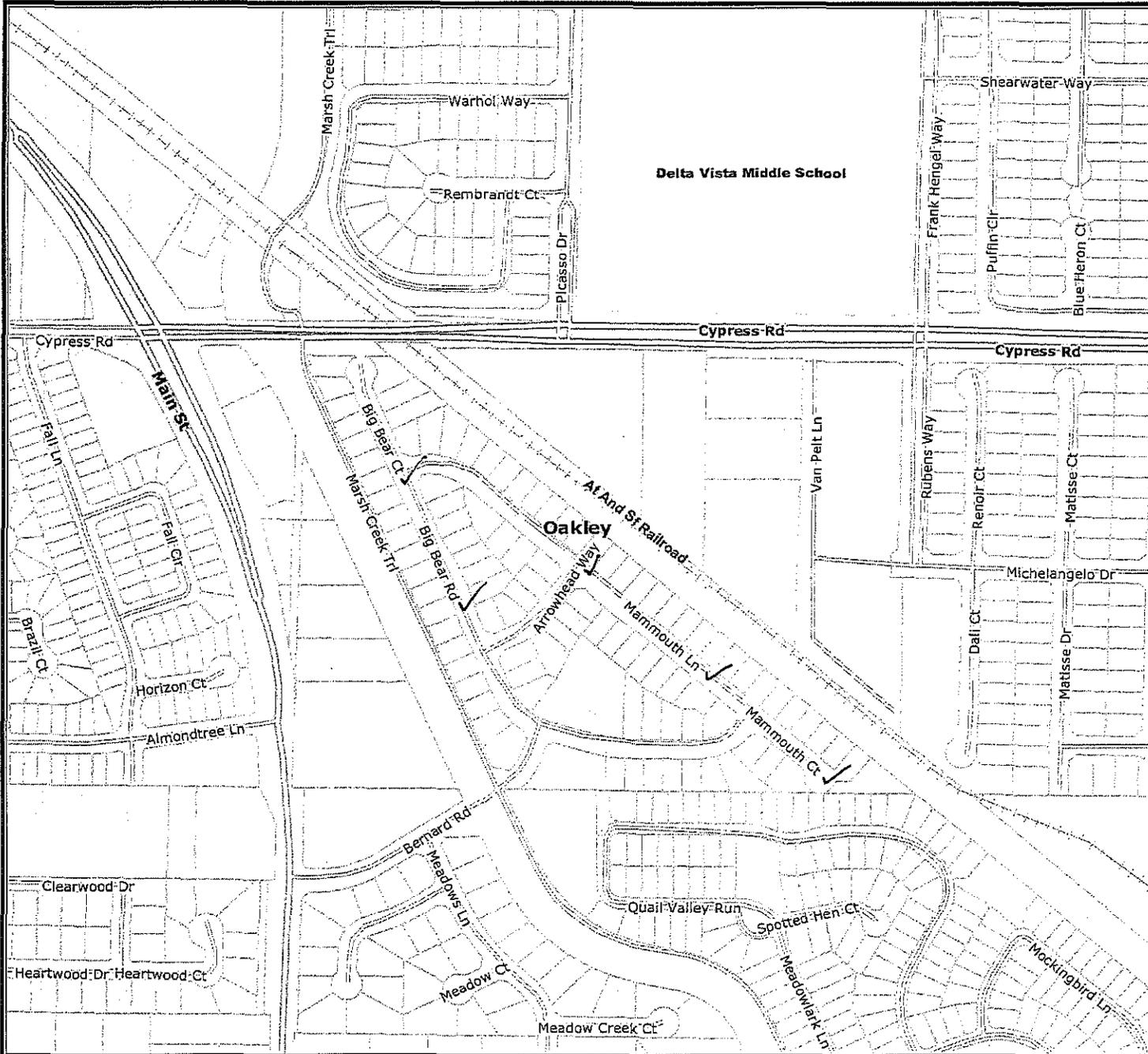




Parcel
 Code Violations
 Responded To
 Since Nov 2014
 Property Maintenance
 IIII IIII = 9
 Garbage
 IIII = 5
 Vehicle
 I = 1



California Isle HOA



Parcel
 Code Violations
 Responded To Since
 Nov 2014

Property Violations
 III = 3

Vehicle <Inop>
 III = 3

Garbage
 II = 2



Delta Point HOA





Parcel
 Code Violations
 Responded To Since
 Dec 2014
 NOV
 Property Maintenance
 1111 = 6
 Garbage Service
 1 = 1



Oak Grove HOA

Scale 1:3,802
 Contra Costa Internet GIS Map
 Printed: Apr 2, 2015 4:33:13 PM





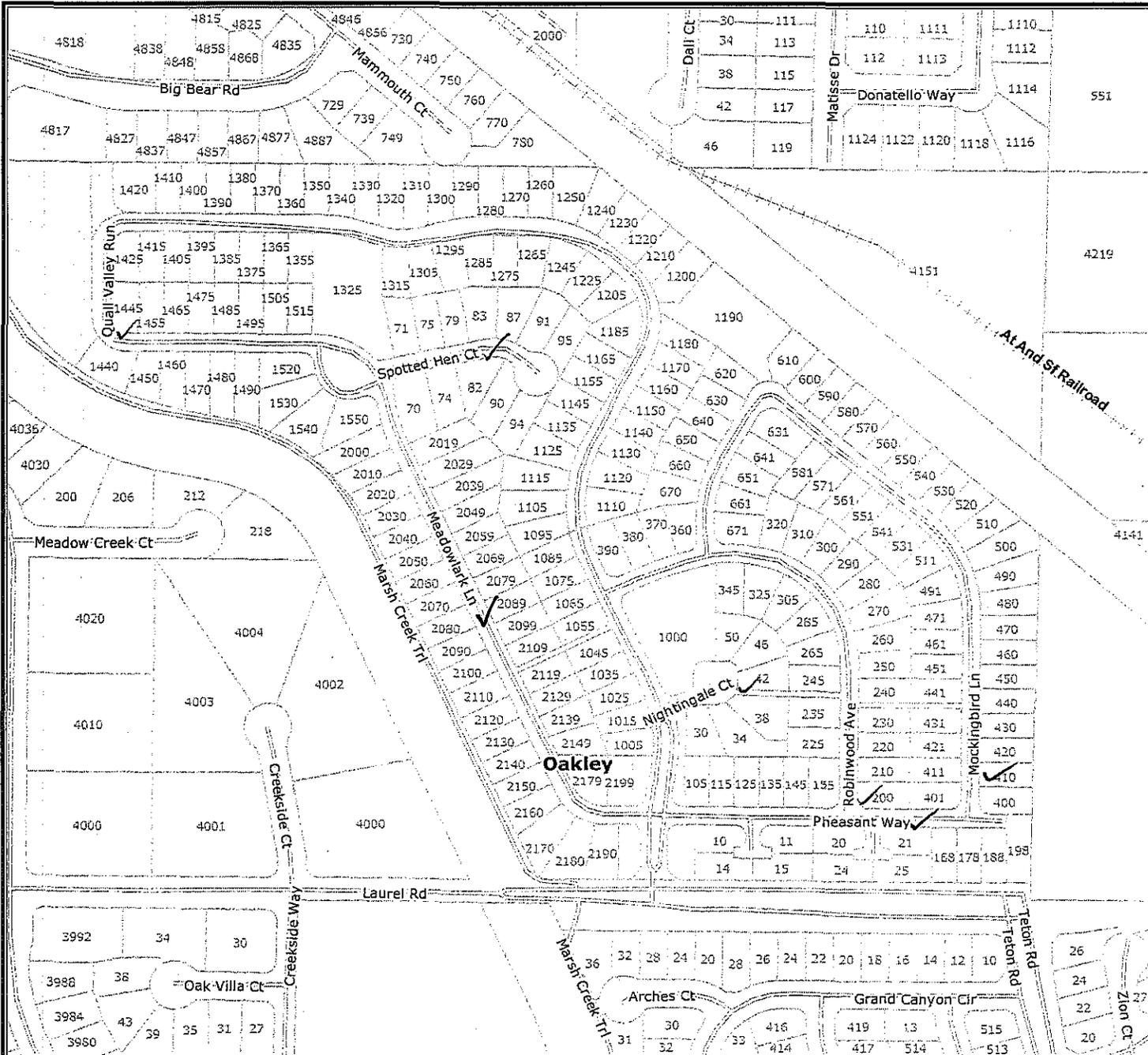
□ Parcel
 Code Violations
 Responded To
 Since ~~Aug~~ 2014
 Nov
 Property Maintenance
~~||||~~ |||| = 4
 Vehicle
 !! = 2
 Garbage
 IIII = 5



Oakley Ranch HOA

Scale 1:3,055
 Contra Costa Internet GIS Map
 Printed: Apr 2, 2015 4:17:54 PM





Parcel

Code Violations
Responded To
Since Oct 2014

Property Maintenance
IIII = 4

Garbage = 29
 IIII IIII IIII IIII
 IIII IIII

Vehicles
IIII = 4

72 Registered
Rental Dwelling
Units



Quail Valley Estates HOA



Parcel
 Code Violations
 Responded To
 Since Nov 2014

Property Maintenance
 IIII IIII
 III = 13

Garbage
 IIII IIII I = 11

Vehicle
 I = 1



Summer Lake HOA

Scale 1:7,929
 Contra Costa Internet GIS Map
 Printed: Apr 2, 2015 4:42:20 PM



Libby Vreonis

From: Troy Edgell
Sent: Monday, April 20, 2015 7:43 AM
To: William Galstan
Cc: Libby Vreonis
Subject: Addendum to Gywnn Appeal: FW: 4728 Bayside Way-California Dawn HOA

Dear Administrative Hearing Officer,

This is a supplement to Tab 2 (HOA request for assistance). It's another example of an HOA requesting Code Enforcement assistance.

V/R Troy Edgell

From: Scott Sanders
Sent: Thursday, April 16, 2015 5:24 PM
To: Troy Edgell
Subject: Fw: 4728 Bayside Way-California Dawn HOA

Troy here is another example of CA Dawn HOA asking for our help because they can't get a property owner to comply. This just came in today

Sent from my LG G3, an AT&T 4G LTE smartphone

----- Original message-----

From: Chris Lucas
Date: Thu, Apr 16, 2015 12:37 PM
To: Scott Sanders;
Subject: 4728 Bayside Way-California Dawn HOA

Hi Scott.

In my site visit earlier this week, the subject address has overgrown weeds which is getting out of hand. I spoke with a rep at Field Asset Management (the white notice posted on the home) about the maintenance of the unit and they just said that they were not to do anything until the Bank –Star Solutions- completes the foreclosure process. The owner who cannot be found, did file bankruptcy papers to release the home but it is still in his name and so the bank will not take responsibility for the home. **It has been FOUR years now.** I am very concerned about the weeds and it looks like someone broke one of the garage window panes. Can the City of Oakley do something about the front yard and backyard weeds.

Thanks and feel free to call me to discuss.

Chris

Chris Lucas, Manager
CLucas@cidcllc.us
888.786.6000 x331
916-865-7792 (mobile)



We Help Build and Manage Smart and Healthy Homeowner Associations.

QUAIL VALLEY ESTATES

PROPERTY REVIEW REPORT

February 20, 2015

Inspected By: Jeff Stashek

Typed By: Jeff Stashek

<i>M</i>	--	Maintenance Issue – Board Action
<i>L</i>	--	Landscape Issue – Board Action
<i>H</i>	--	Homeowner Issue – Possible CC&R Violation. Send violation letter if requested by Board of Directors
*	--	Repeat Item (second month)
**	--	Repeat Item (third month)

Note to the Property Manager and Board of Directors:

- Fire lane and no parking curb areas need fresh paint throughout
- The bench inside the play area needs to be secured to the ground
- Trash day is Tuesday

Quail Valley Run

Even

- 1110 H The front lawn as tall weeds
- **1140 H The down spout is rusted
- **1140 H Cracked driveway
The roof trim needs to be painted
- 1140 H The stucco is stained by upper window
- 1140 H The downspout is rusted
- 1170 Quail Valley Run – The trim was painted incorrectly on the home, please ensure it is painted according to the paint policy for the Association.
- *1180 H There are holiday lights still up
- **1180 H Upper window screen is missing,
cracks in the driveway and raised slab
- 1180 H The garage door is dented on several panels
- *1240 H The lawn is getting tall
- **1270 H The roof trim needs to be painted
The black cable wire needs to match unit color
- **1310 H The cable wire needs to match wall color
- **1330 H The cable wires need to color match
- **1380 H Overgrown palm tree in side yard touching both units
- 1460 Quail Valley Run – Please send a letter regarding the trailer being parked in the driveway and the storage of all other items in the driveway. (Feb 20, no trailer in driveway)
- **1490 H The PG&E cover is rusting
- ~~**1110 H The front lawn is dry/brown with dirt showing (Dec Weeds in lawn)~~
- ~~1120 H There is tire damage in the lawn by the end of the driveway~~
- ~~1120 H There is a loose cable wire on the roof over the entry area~~
- ~~1130 H The satellite dish is located in the front and needs be moved~~
- ~~*1230 H The cable wire needs to color match~~
- ~~**1240 H The grass is dry / brown areas~~
- ~~1260 H There are brown spots in the lawn~~
- ~~*1290 H The front light fixture is crooked~~
- ~~1380 H The lawn has brown spots / areas~~
- ~~1390 H The trash cans are on the street~~
- ~~1390 H There is cardboard used as an oil pan in the driveway~~

~~1400 H There are brown spots in the lawn~~
~~**1450 H Dead spots in the lawn (Dirt only areas)~~

Quail Valley Run

Odd

**1005 H Cable wire needs to match wall color and is on the roof
*1025 H There is fresh large oil stains on the driveway
1045 H The grass is getting tall
1085 H The grass is getting tall / weeds
**1085 H Front vent trim needs to be painted - stucco stain by front vent
**1105 H The cable wire is black and needs to match wall color
The PG&E cover is rusting
The stucco is stained under upper window
**1105 H The roof trim needs painting
1115 H The lawn is getting tall and needs to be edged on driveway
**1115 H There are oil stains and cracks on the driveway.
The cable wire is black and needs to match wall color
**1155 H Cracked driveway,
stains on the stucco under upper window
**1185 H There are cracks in the driveway (Some repairs were made)
*1225 H The lawn has tall grass
**1285 H The cable wire is black and needs to match wall color
1285 H The grass is getting tall
**1315 H There is an oil pan and light oil stain in driveway (under pickup)
**1355 H PG&E cover has minor rust
**1355 M Paint the red curb.

1405 Quail Valley Run – The home was recently painted and is not one of the approved color schemes.

1415 Quail Valley Run – The trim was painted recently with a color that is not approved by the Association.

~~1205 H There is a white cable wire on the roof over the entry~~
~~1245 H The grass is getting tall~~
~~1265 H The front upper window screen is missing~~
~~*1365 H There is a basket ball hoop on the street~~
~~1425 H The trash cans are on the street~~
~~1495 H There are oil stains in the driveway~~
~~*1505 H There are oil stains in the driveway~~
~~1065 H The lawn is brown~~

Meadowlark Lane

Even

> The “Meadowlark Lane” street sign is missing on corner of Quail Valley Run and Meadowlark

**2010 H There are oil stains in the driveway
**2020 H Down spout and stucco needs to be painted on right side of unit
The cable wire is black and needs to match wall color

2020 Meadowlark – Please send a letter to the homeowner regarding the storage of items everywhere.

**2140 H There are oil stains in the driveway
*2160 H The roof trim should be painted

- **440 H Roof trim needs painting
520 H The driveway has a cracks
540 H The front lawn needs to be replaced – all dirt **take pic
There are cats beds on the front porch.
*550 H There is a cable wire on the roof
*580 H Cracked driveway
580 H The rain gutter over the garage is dented
**590 H The cable wire needs to color match
**590 H The trim needs to be painted (roof and front vent)
**590 H Cracked driveway
**620 H The cable wire is black and needs to match wall color
This is the unit where the RV fence needs to be replaced CHECK FENCE LETTER
SENT BUT HOA FENCE??
**650 H The front lawn is getting tall and has weeds (Feb update)
**650 H There is grass growing in the cracks in the in the driveway
660 H There is grass growing in the cracks in the in the driveway
**670 H The left side of the driveway landscaping is dirt mixed with woodchips again (repeat)
~~400 H There are sheets in the windows STATED FIXED TAKE PIC IF NOT~~
~~460 H The lawn has weeds and is patchy~~
~~**450 H There are sheets in the windows~~
~~540 H The front lawn has heavy amount of dry leaves~~
~~620 H There are oil stains on the driveway~~
~~**640 H The front lawn is getting dry / brown~~
~~650 H The lawn has brown areas~~
~~670 H There are sheets in the front upper widow with patterns~~
~~400 H The front lawn is brown~~
~~*570 H There are oil stains in the driveway~~

Mockingbird Lane

Odd

- **441 H The cable wire is on the roof
(NOTE on 471 BOD asked to delete damaged window screen but it is still there)
**491 H Address fixture is stained on upper part
*491 H The front lawn has weeds and tall grass
541 H There are cable wires on the roof
**551 H The fence has gaps in the boards
*551 H There is a toy on the lawn
561 H There is grass in the driveway cracks
*571 H The driveway is cracked
**571 H The cable wire needs to color match and is loose
**671 H The tree roots in the front yard are buckling the street.
The front entry and Patio globe is missing,
back window screen missing
Stucco paint is stained under windows
Trim has dry rot and needs to be painted
The cable wire is black and needs to match wall color
~~421 H The lawn has brown areas~~

- 431 H There are oil stains in the driveway
541 H There is a cable wire on the roof
551 H There are holiday lights still on the unit
671 H There are dry leaves in the front yard by the fence

Robinwood Avenue

Even

- **200 H The cable wire needs to match the wall color
390 H There is a black cable wire that needs to color match
~~**270 H There is a basketball hoop in the driveway~~
~~270 H The trash can is stored in front of the garage door~~
*320 H Weed Barrier showing in the front landscaping

Robinwood Avenue

Odd

- 235 H The lawn has tall weeds
**305 H The front rain gutter is showing stains
*305 H There are holiday lights still on the unit
~~235 H There are personal items in the front yard and entry~~
~~345 H The trash cans are still on the street~~

Nightengale Court

- 30 H There is tall grass
**38 H (Note) This unit has been in the process of exterior painting since April and not complete
42 H The address numbers are missing
42 H The roof trim needs painting
50 M The fence by the pool has graffiti.
~~34 H The front lawn has tall grass~~
~~**50 H The side fence facing the pool has dry rot, loose and missing boards (large area)~~
~~**30 H Stucco paint is stained~~

Pheasant Way

- **105 H The cable needs to color match
**105 H The front lawn is areas of dirt showing
105 H The front vent trim needs repair / paint
188 H The front lawn has tall weeds

Sparrow Hawk Court

- ** 21 or 25 There is a basketball hoop between these units on the parking space
21 H The back window screen is bent

Golden Eagle Court

- **11 H The tree stump from the tree removal needs to be removed.
**15 H There are weeds in the front landscaping area by the front entry
10 Golden Eagle Court – ~~Trim the bushes along Pheasant Run need to be trimmed back and the satellite dish that was installed needs to be relocated or removed.~~

Pool Area

- **There are 3 electrical areas that need to be covered and secured. Loose AC wires and boxes.
- **The outdoor shower area needs anti slip strips installed.
- **The outdoor shower tiles are raised higher then concrete and a trip hazard (foot injury?)
- **The women's bathroom stall door does not close properly. The stall section is pulling away from the wall
- **The women's bathroom floor drain is rusted and loose
- **The men's door has a dead bolt lock that needs to be tightened
- **The pool fence by the life guard hooks are rusted through and needs repairs
- **The pool gate does not self close

Common Area

- The motorhome park fence needs to be repaired
- The curb by the drain is cracked and needs to be repaired to the RV entrance

**ADMINISTRATIVE CITATION HEARING
City of Oakley, California**

In the Matter of)	
)	
DAVID GWYNN)	DECISION
)	
Administrative Citations)	
15-000073, 15-000076,)	
15-000085, 15-000090)	
<hr style="width: 100%;"/>)	

Hearing: This administrative appeal was conducted on April 21, 2015. Appellant David Dwynn appeared and testified. Code Enforcement Manager Troy Edgell presented the case for the City.

Violation: OMC Sec. 4.30.210, failure to register and pay the fee for the Rental Inspection Program.

Decision: The issuance of the citations is SUSTAINED and the appeal is DENIED.

Reasons:

Four administrative citations were issued regarding four separate rental units that Mr. Gwynn owns in the Quail Valley neighborhood. The four are consolidated into this one matter as they all involve the same issue, and a fine of \$100.00 for all of the consolidated citations was posted so that this appeal could be heard. Mr. Gwynn is not a scofflaw, in that he owns other rental units that are not part of a homeowners' association and he has registered and paid the fee as to those units. His sole contention is that these four units should be exempt from the ordinance because they are included in the Quail Valley Home Owners Association ("HOA") and are thus subject to the same inspections and enforcement as are provided by the City through the rental inspection program.

Mr. Gwynn showed the inspection checklist form that is used and, indeed, it covers many, if not most, of the issues that would be of concern to the rental inspection program.

The rental inspection program exempts from its purview mobile homes and RV's located in a mobile home park (undoubtedly because of State preemption issues in regard to mobile home parks) and also hotels and motels (undoubtedly because of their distinct differences from single family or apartment dwelling units). There is no exemption for rental units located within a neighborhood under the supervision of a HOA.

Whether there should be an exemption for homes within a HOA area is not within the authority of me to decide, but rests solely in the sound discretion of the Oakley City Council.

The wisdom of granting an exemption for homes located within an HOA is questionable. Mr. Gwynn admitted that not all HOA's are as proactive as the Quail Valley group in inspecting and enforcing its anti-nuisance regulations, and suggests that perhaps an exemption should be granted for HOA's with an inspection program.

But this seems to invite a trip down a slippery slope. How is the City to determine which HOA's have effective and timely inspection and enforcement programs and which do not? Mr. Edgell testified that during the year covered by the "2015 RRIP cycle" 862 citations were issued for code enforcement violations to homes located within HOA's. Within the Quail Valley HOA itself, 29 homes were cited for failure to subscribe to mandatory garbage service, a violation apparently not checked by the Quail Valley HOA.

Another administrative issue comes to my mind: how is the City to know if homes are located within HOA's, and how is the City to know (and thus contact regarding violations) the management firm servicing each HOA? Mr. Edgell stated that the City has a list of "known" HOA's, but admitted that the identity of the management company was known only for a small number of such HOA's. Thus if the City observed a violation, it would be difficult to determine whether the home is located within an HOA, and secondly, to whom at the HOA or its management firm a notice of violation should be directed.

Indeed, the effectiveness of HOA enforcement action is questionable, as Mr. Edgell testified that some HOA's have approached the City for assistance in dealing with nuisances created by their own members.

Thus I believe that although the City Council *could* exempt homes located within HOA's from the rental inspection program, such a decision could raise many issues and problems.

Dated: 4-21-15



WILLIAM R. GALSTAN
Administrative Hearing Officer

cc: City Manager, Code Enforcement Manager, Mr. Gwynn



REC (received) Attachment C
APR 27 2015
CITY OF OAKLEY

**REQUEST FOR APPEAL TO OAKLEY CITY COUNCIL
REGARDING ADMINISTRATIVE HEARING OFFICER'S
DECISION**

Return this form to: City of Oakley
Office of the City Clerk
3231 Main Street
Oakley, CA 94561

Appellant/Citee Information

Appellant/Citee Name(s): DAVID W Gwynn

Mailing Address: 1151 REDFERN CT

City: CONCORD State: CA Zip Code: 94521

Phone: (925) 285-7895 Fax: ()

E-mail: dawgwynn@hotmail.com

Citation Information

4 PROPERTIES
Citation Numbers: 15-000073 15-000085
15-000076 15-000090 Date of Citation: MAR 4 2015

Amount of Citation: \$ 100 PD

Please explain the basis for your appeal. You may attach as many additional sheets as necessary.

THE 4 RENTAL HOMES IN QUESTION ARE IN QUAIL
VALLEY AND WE ALREADY HAVE A IDENTICAL
MONTHLY INSPECTION SERVICE. I AM A BOARD MEMBER
AND AS SUCH AM RESPONSIBLE FOR ADMINISTRATION
OF OUR INSPECTION PROGRAM.

I hereby request a hearing before the Oakley City Council to appeal the Administrative Hearing Officer's decision regarding the aforementioned citation.

Signature: DW Gwynn Date: 4/27/15, 20 15

Oakley Municipal Code Section 1.5.212-City Council Review.

If the Citee is dissatisfied with decision of the Hearing Officer, he or she may request review of the matter by the City Council. Such request shall be made on a form provided by the City and filed with the City Clerk on or before the fine due date indicated on the Hearing Officer's decision. The Citee may file with the City Council any written argument or explanation that the Citee wishes the City Council to consider. The Council may review the matter based upon the written record presented to it, or at its discretion may allow oral argument to be made by the parties. The City Council shall announce its decision on the review of the matter at the meeting where the matter is considered, or at such a meeting to which the matter may be continued by the Council. The City Clerk shall send a notice to the Citee indicating the decision made by the City Council and the time and procedure for seeking judicial review of the decision.

Libby Vreonis

From: David Gwynn <dwgwynn@hotmail.com>
Sent: Tuesday, May 12, 2015 12:41 PM
To: Libby Vreonis
Subject: Gwynn exemption for QVE properties
Attachments: b_QUA293SiteInspection20150224.pdf

Libby, thanks for setting up my review w/Oakley City Council. Please provide a copy of this email and attachment to the council members so that they will be better prepared to rule on my specific case. The attachment is a typical monthly inspection report prepared for our board by our managing company, Massingham.

As you know, I am in favor of the RRIP and have another Oakley rental that is registered in the program. It has been inspected by the City and passed (66 Merlot). This home does not have any other inspection service. The comments prepared by the Administrative Hearing Officer are factual on the first page, however, he did not seem to understand that I am NOT asking for a general exemption for ALL homes in HOA's. My request is for my specific case (a board member of a HOA that already has an identical MONTHLY inspection program). The City is not being asked to exempt all HOA's. The process would remain the same and each rental property owner would need to appeal. I do not think there are many, if any other rental owners that are on the board of an HOA responsible for the inspection program.

The QVE inspection program has been in place for many years and will continue. I have been a board member for 5 years.

The AHO referenced the Oakley City requirement to have garbage service. This is a separate, important City Code requirement that has existed long before the RRIP. It has nothing to do w/RRIP as all homes, rental or owner occupied must comply.

In summary, I am hopeful that the City Council will grant my request for exemption of my 4 QVE homes where I am a board member and we have a monthly inspection program. The next appeal levels remove our ability to resolve this among ourselves and could jeopardize the RRIP program.

Thank you for your consideration.

Regards, Dave Gwynn

QUAIL VALLEY ESTATES

PROPERTY REVIEW REPORT

February 20, 2015

Inspected By: Jeff Stashek

Typed By: Jeff Stashek

<i>M</i>	--	Maintenance Issue – Board Action
<i>L</i>	--	Landscape Issue – Board Action
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*	--	Repeat Item (second month)
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Note to the Property Manager and Board of Directors:

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Quail Valley Run

Even

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- **1490 H The PG&E cover is rusting
- ~~**1110 H The front lawn is dry/brown with dirt showing (Dec Weeds in lawn)~~
- ~~1120 H There is tire damage in the lawn by the end of the driveway~~
- ~~1120 H There is a loose cable wire on the roof over the entry area~~
- ~~1130 H The satellite dish is located in the front and needs be moved~~
- ~~*1230 H The cable wire needs to color match~~
- ~~**1240 H The grass is dry / brown areas~~
- ~~1260 H There are brown spots in the lawn~~
- ~~*1290 H The front light fixture is crooked~~
- ~~1380 H The lawn has brown spots / areas~~
- ~~1390 H The trash cans are on the street~~
- ~~1390 H There is cardboard used as an oil pan in the driveway~~

~~1400 H There are brown spots in the lawn~~
~~**1450 H Dead spots in the lawn (Dirt only areas)~~

Quail Valley Run

Odd

**1005 H Cable wire needs to match wall color and is on the roof
*1025 H There is fresh large oil stains on the driveway
1045 H The grass is getting tall
1085 H The grass is getting tall / weeds
**1085 H Front vent trim needs to be painted - stucco stain by front vent
**1105 H The cable wire is black and needs to match wall color
The PG&E cover is rusting
The stucco is stained under upper window
**1105 H The roof trim needs painting
1115 H The lawn is getting tall and needs to be edged on driveway
**1115 H There are oil stains and cracks on the driveway.
The cable wire is black and needs to match wall color
**1155 H Cracked driveway,
stains on the stucco under upper window
**1185 H There are cracks in the driveway (Some repairs were made)
*1225 H The lawn has tall grass
**1285 H The cable wire is black and needs to match wall color
1285 H The grass is getting tall
**1315 H There is an oil pan and light oil stain in driveway (under pickup)
**1355 H PG&E cover has minor rust
**1355 M Paint the red curb.

1405 Quail Valley Run – The home was recently painted and is not one of the approved color schemes.

1415 Quail Valley Run – The trim was painted recently with a color that is not approved by the Association.

~~1205 H There is a white cable wire on the roof over the entry~~
~~1245 H The grass is getting tall~~
~~1265 H The front upper window screen is missing~~
~~*1365 H There is a basket ball hoop on the street~~
~~1425 H The trash cans are on the street~~
~~1495 H There are oil stains in the driveway~~
~~*1505 H There are oil stains in the driveway~~
~~1065 H The lawn is brown~~

Meadowlark Lane

Even

> The “Meadowlark Lane” street sign is missing on corner of Quail Valley Run and Meadowlark

**2010 H There are oil stains in the driveway
**2020 H Down spout and stucco needs to be painted on right side of unit
The cable wire is black and needs to match wall color

2020 Meadowlark – Please send a letter to the homeowner regarding the storage of items everywhere.

**2140 H There are oil stains in the driveway
*2160 H The roof trim should be painted

- *2180 H The rain gutter the left side of the unit should be painted
**2190 H Oil stains and cracks in the driveway.
~~_____~~ ~~H~~ ~~The front entry light globe is missing~~
2000 ~~H~~ ~~The holiday lights are still up~~
2020 ~~H~~ ~~The holiday lights are still up~~

Meadowlark Lane

Odd

- 2029 H The address number 2 is peeling off
*2029 H The roof trim should be painted
**2029 H The satellite dish is in front / view
**2029 H The cable wire is white and needs to color match
**2069 H replace the window screen (there is a large window screen over the entire window
(approved? See picture)
the trim has dry rot and needs painting
2069 H There is grass/weeds growing in the rain gutter
2119 H (NOTE) the front lawn has tire damage - repaired
**2129 H The cable wire is black and needs to match wall color
~~**2079 H There is an oil stain on the driveway~~

Quail Valley Circle

- **1530 H The front lawn has dead spots and dirt showing by tree
cracked driveway.
*1530 H The holiday lights are still up
1530 H The driveway has a crack
1550 H The driveway has a crack
~~**1520 H The garage door is dented minor~~

Spotted Hen Court

- **70 H The back fence facing 2019 Meadowlark is leaning and open gaps
**70 H There is small tree in the back yard is dead
Cracks in driveway
Garage door needs painting
Rain gutter and trim needs to be painted
The stucco walls by the roofing is stained or dirty
Oil stain on driveway
**74 H The upstairs window screens are missing.
**83 H The black paint on upper trim by stucco wall is not straight
**87 H Dirt to side gate (do they need a cement walk installed?)
~~70 H The front fence is missing boards~~
~~70 H The back Honda in the driveway has a flat tire~~
~~82 H The front fence has a loose board~~

Mockingbird Lane

Even

- *440 H The lawn has weeds and is patchy

- **440 H Roof trim needs painting
- 520 H The driveway has a cracks
- **540 H The front lawn needs to be replaced – all dirt **take pic**
There are cats beds on the front porch.
- *550 H There is a cable wire on the roof
- *580 H Cracked driveway
- 580 H The rain gutter over the garage is dented
- **590 H The cable wire needs to color match
- **590 H The trim needs to be painted (roof and front vent)
- **590 H Cracked driveway
- **620 H The cable wire is black and needs to match wall color
This is the unit where the RV fence needs to be replaced CHECK FENCE LETTER
SENT BUT HOA FENCE??
- **650 H The front lawn is getting tall and has weeds (Feb update)
- **650 H There is grass growing in the cracks in the in the driveway
- 660 H There is grass growing in the cracks in the in the driveway
- **670 H The left side of the driveway landscaping is dirt mixed with woodchips again (repeat)
- ~~400 H There are sheets in the windows STATED FIXED TAKE PIC IF NOT~~
- ~~460 H The lawn has weeds and is patchy~~
- ~~**450 H There are sheets in the windows~~
- ~~540 H The front lawn has heavy amount of dry leaves~~
- ~~620 H There are oil stains on the driveway~~
- ~~**640 H The front lawn is getting dry / brown~~
- ~~650 H The lawn has brown areas~~
- ~~670 H There are sheets in the front upper widow with patterns~~
- ~~400 H The front lawn is brown~~
- ~~*570 H There are oil stains in the driveway~~

Mockingbird Lane

Odd

- **441 H The cable wire is on the roof
(NOTE on 471 BOD asked to delete damaged window screen but it is still there)
- **491 H Address fixture is stained on upper part
- *491 H The front lawn has weeds and tall grass
- 541 H There are cable wires on the roof
- **551 H The fence has gaps in the boards
- *551 H There is a toy on the lawn
- 561 H There is grass in the driveway cracks
- *571 H The driveway is cracked
- **571 H The cable wire needs to color match and is loose
- **671 H The tree roots in the front yard are buckling the street.
The front entry and Patio globe is missing,
back window screen missing
Stucco paint is stained under windows
Trim has dry rot and needs to be painted
The cable wire is black and needs to match wall color
- ~~421 H The lawn has brown areas~~

- 431 — H — There are oil stains in the driveway
541 — H — There is a cable wire on the roof
551 — H — There are holiday lights still on the unit
671 — H — There are dry leaves in the front yard by the fence

Robinwood Avenue

Even

- **200 H The cable wire needs to match the wall color
390 H There is a black cable wire that needs to color match
~~**270 — H — There is a basketball hoop in the driveway~~
~~270 — H — The trash can is stored in front of the garage door~~
*320 — H — Weed Barrier showing in the front landscaping

Robinwood Avenue

Odd

- 235 H The lawn has tall weeds
**305 H The front rain gutter is showing stains
*305 H There are holiday lights still on the unit
~~235 — H — There are personal items in the front yard and entry~~
~~345 — H — The trash cans are still on the street~~

Nightengale Court

- 30 H There is tall grass
**38 H (Note) This unit has been in the process of exterior painting since April and not complete
42 H The address numbers are missing
42 H The roof trim needs painting
50 M The fence by the pool has graffiti.
~~34 — H — The front lawn has tall grass~~
~~**50 — H — The side fence facing the pool has dry rot, loose and missing boards (large area)~~
~~**30 — H — Stucco paint is stained~~

Pheasant Way

- **105 H The cable needs to color match
**105 H The front lawn is areas of dirt showing
105 H The front vent trim needs repair / paint
188 H The front lawn has tall weeds

Sparrow Hawk Court

- ** 21 or 25 There is a basketball hoop between these units on the parking space
21 H The back window screen is bent

Golden Eagle Court

- **11 H The tree stump from the tree removal needs to be removed.
**15 H There are weeds in the front landscaping area by the front entry
10 Golden Eagle Court — ~~Trim the bushes along Pheasant Run need to be trimmed back and the satellite dish that was installed needs to be relocated or removed.~~

Pool Area

- **There are 3 electrical areas that need to be covered and secured. Loose AC wires and boxes.
- **The outdoor shower area needs anti slip strips installed.
- **The outdoor shower tiles are raised higher than concrete and a trip hazard (foot injury?)
- **The women's bathroom stall door does not close properly. The stall section is pulling away from the wall
- **The women's bathroom floor drain is rusted and loose
- **The men's door has a dead bolt lock that needs to be tightened
- **The pool fence by the life guard hooks are rusted through and needs repairs
- **The pool gate does not self close

Common Area

- The motorhome park fence needs to be repaired
- The curb by the drain is cracked and needs to be repaired to the RV entrance