



Building Abatement System

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Monday, August 28, 2017

CASE# 20150294

6151 CERULEAN AVE - R1

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Report	Inspections	Photos	Notices/Documents	Comments
Reactive Report				Edit Delete
Inspector:	Michael Austin	RD#	024	
Date/Time:	09/11/15 - 09:25 AM	N.O.V Date:	09/23/15	
Notice/Order Date:	11/19/15	Notice/Order Closed Date:		
Reinspection:	10/23/15	Closed Date:		
Referred to N.I.:				
COMPLAINING PARTIES				
Name: Anon Phone: None.				
VIOLATION CODE:				
05 Garage converted to habitable space				
13 Accessory structures (>120 sq. ft.) built without permits				
14 Other				
+ Referred to City Attorney on 01/21/16 follow up on 02/22/16				
EXPLANATION OF VIOLATION / COMPLAINT:				
garage conversion, Electrical installed to shed w/o permits.				
PROPERTY / WATER / BUSINESS OWNER INFORMATION:				
Property Owner:	HALBIG, WILLIAM BERNARD			Phone #: None.
Address:	6151 CERULEAN AVE , GARDEN GROVE,CA 92845-2709			
Water Account#:	033385095			
Name:	MOONEY, LORI		Phone #:	
Address:	6151 CERULEAN AVE, GARDEN GROVE, CA, 92845-2709			



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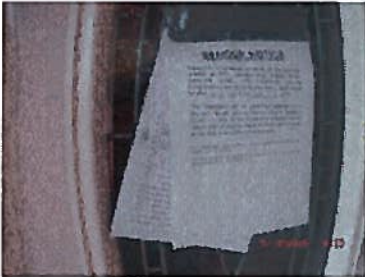
[Download all photos](#)

Photos taken on: 05/05/16





Photos taken on: 05/04/16



Photos taken on: 09/23/15



Photos taken on: 05/21/15



Recording Requested by:
MICHAEL AUSTIN

**EXEMPT FROM RECORDING
FEE 6103**

When recorded mail to:
City of Garden Grove
Building Services Division
11222 Acacia Parkway
Garden Grove, CA 92840



GARDEN GROVE

CITY OF GARDEN GROVE, CALIFORNIA


11222 ACACIA PARKWAY, P.O. BOX 3070, GARDEN GROVE, CALIFORNIA 92642

"NOTICE OF NON-COMPLIANCE (for Buildings, Structures, or Premises Deemed Substandard, Hazardous, or that are the Subject of Nuisance Abatement Proceedings)"
July 26, 2017

Notice is hereby given that pursuant to section 106.3 of the International Property Maintenance Code, 2015 Edition, as adopted by Garden Grove Municipal Code section 18.04.010, the City of Garden Grove, through its authorized representatives, has determined that the building(s), structure(s) and/or premises, including any portions thereof, located at the real property described below, are hazardous, substandard, and/or constitute a nuisance as defined by the Garden Grove Municipal Code and its adopted building and property maintenance standards. The owner of said property William B. Halbig, who was identified by searching the most recent tax assessment roll of the Orange County Assessor's office, has been notified of the hazardous, substandard, and/or nuisance conditions and has failed to bring the property into compliance within the time specified in said notice, and has failed to file a timely appeal of said notice as authorized by the Garden Grove Municipal Code. The hazardous, substandard and/or nuisance conditions that exist on the Property are:

Garage conversion to a second unit w/o permits. Unsafe structural alterations.

Lot 08 Tract No. 4297, APN 130-644-20 as recorded in Book 130, Page(s) 64 of Miscellaneous Maps in the Office of the County Recorder of County of Orange, State of California. Also known as 6151 Cerulean Ave. Garden Grove CA

CITY OF GARDEN GROVE
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
 7/26/17

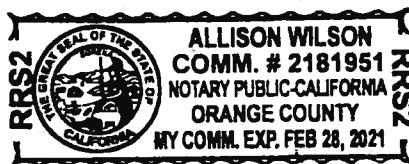
DAVID DENT, CHIEF BUILDING OFFICIAL

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF ORANGE)SS

On July 26, 2017 before me, Allison Wilson, Notary Public, personally appeared, David Dent, Chief Building Official who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

This to certify that this document covers City Business within the meaning of Section 6103 of the Government Code.



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.

Allison Wilson



CITY OF GARDEN GROVE

September 23, 2015

CERTIFIED

William B. Halbig
6151 Cerulean Ave.
Garden Grove, CA 92845

Dear Mr. Halbig,

Subject: Property Inspection at 6151 Cerulean Ave., Garden Grove, CA 92845

The Community Development Department, Building Services Division conducts routine inspections and investigates complaints of buildings and structures within the City of Garden Grove so as to assure they are maintained in accordance with the minimum standards of safety established by State and local codes which are designed to protect the public's health and welfare.

An inspection of your property was conducted on September 23, 2015. During this inspection, the following items were discovered which must be repaired, replaced, removed or demolished so as to reduce any potential hazard to building occupants or the general public.

1. A storage building used as a workshop is located in the north east corner of the rear yard in the setbacks without Planning Division approval, permits or inspections. Relocate the shed to no closer than five-feet from any property line.
2. *Electrical conduit and conductors have been run from the dwelling to the storage shed without permits or inspections. Obtain permits and call for inspections for the electrical installation or remove the conduit and conductors capped off at their source.

We are sending this letter to urge you to take immediate action to correct the items above. By first obtaining the appropriate permits for those items identified with an asterisk (*) above, and our subsequent inspection and documentation of your repair work, we can provide you assurance that your structure will remain safe to occupy. With your assistance and cooperation, it is our hope that we can resolve this situation without having to commence a formal abatement process.

6151 CERULEAN AVE

September 23, 2015

Page 2

Please note that should a formal abatement process become necessary, State law prescribes certain procedures that may add significantly to your overall costs as a landowner. In addition to the possibility of prosecution in civil or criminal courts, we will be required to provide a copy of our "Notice and Order¹" to all affected tenants and lien holders. We may also file the California State Franchise Tax Board's Notice of Non-Compliance that will temporarily stay your tax benefits as a landowner and we will also record a "Notice of Substandard Building" in the Office of the County Recorder.

Finally, we will proceed to recover all costs incurred by the City for the abatement action.

It is our intent to avoid the foregoing process and to minimize any unnecessary costs to you. Please take immediate action to complete the repair work required within the prescribed time frame. I am available to answer any questions you may have or to meet with you as necessary to establish the best solution to the items listed above. Should we not receive a response to this request within 30 days of the date of this letter, we will proceed to conduct a re-inspection of your property on, or about Friday, October 23, 2015.

In conclusion, please contact our office before you begin any repair activity. Our Permit Center staff can assist in answering your questions about the permit process and our building abatement program. They can be reached at (714) 741-5307. I can be reached at (714) 741-5172). Thank you again for your immediate attention to this matter.

Sincerely,

Community Development Department
Bill Tewfik, Building Official

By:


Michael Austin
Supervising Building Inspector

¹ The "Notice and Order" starts the formal abatement process and will be sent only if it is determined that repair work has not been completed in a satisfactory, or timely manner.

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STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over the age of 18 and not a party to the within action; I am employed by the City of Garden Grove in the County of Orange at 11222 Acacia Parkway, Garden Grove, CA 92840.

On September 23, 2015 I served the foregoing document(s) described as

"Notice of Violation"

- by placing
- The original a true copy thereof enclosed in sealed envelopes addressed as follows:

William B. Halbig, 6151 Cerulean Ave. Garden Grove, CA 92845

(BY MAIL, Certified and First Class) I placed said envelope(s) for collection and mailing, following ordinary business practices, at the business offices of the CITY OF GARDEN GROVE, and addressed as shown above, for deposit in the United States Postal Service. I am readily familiar with the practice of the CITY OF GARDEN GROVE for collection and processing for mailing with the United States Postal Service, and said envelope(s) will be deposited with the United States Postal Service on said date in the ordinary course of business.

(BY OVERNIGHT DELIVERY) I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of the CITY OF GARDEN GROVE, and addressed as shown above, for collection and delivery to a courier authorized by (fill in - Federal Express/UPS/USPS) to receive said documents, with delivery fees provided for. I am readily familiar with the practices of the CITY OF GARDEN GROVE for collection and processing of documents for overnight delivery, and said envelope(s) will be deposited for receipt by (fill in - Federal Express/UPS/USPS) on said date in the ordinary course of business.

(BY FACSIMILE) I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated above.

(BY PERSONAL SERVICE) I hand delivered and posted the documents at the address listed.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 23, 2015 at Garden Grove, California.

Michael Austin

Supervising Building Inspector



CITY OF GARDEN GROVE

October 27, 2015

William B. Halbig
6151 Cerulean Ave.
Garden Grove, CA 92845

Case No. 2015294

Subject: FINAL NOTICE: **Notice of Violation at: 6151 Cerulean Ave. Garden Grove, CA 92840**

Dear Mr. Halbig,

Review of City records indicate a lack of progress on your part to correct violations as stated in the Notice of Violation letter mailed to you on September 23, 2015.

An inspection of your property was conducted on September 23, 2015 during this inspection, the following items were discovered which must be repaired, replaced, removed or demolished so as to reduce any potential hazard to building occupants or the general public.

1. A storage building used as a workshop is located in the north east corner of the rear yard in the setbacks without Planning Division approval, permits or inspections. Relocate the shed to no closer than five-feet from any property line.
2. *Electrical conduit and conductors have been run from the dwelling to the storage shed without permits or inspections. Obtain permits and call for inspections for the electrical installation or remove the conduit and conductors capped off at their source.

We are requesting that you take immediate action to clear these violations. You are directed to obtain permits and commence work within 7-days of the date of this letter.

Should we not receive compliance within 7-days civil prosecution may become necessary. A Substandard Property Lien may be recorded on the property title with the County Recorder's office.

Page 2
6151 Cerulean Ave
October 27, 2015

We sincerely solicit your cooperation in correcting these conditions. If we can provide further information or assistance, please call Michael Austin at (714) 741-5172 or our permit section at (714) 741-5307. Thank you again for your immediate attention to this matter.

Sincerely,

Community Development Department
Bill Tewfik, Building Official

By: 

Michael Austin, Supervising Building Inspector

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STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over the age of 18 and not a party to the within action; I am employed by the City of Garden Grove in the County of Orange at 11222 Acacia Parkway, Garden Grove, CA 92840.

On October 27, 2015 I served the foregoing document(s) described as

"7-DAY final notice of Violation"

by placing
 The original a true copy thereof enclosed in sealed envelopes addressed as follows:

William B Halbig, 6151 Cerulean Ave. Garden Grove, CA 92845

(BY MAIL, Certified or First Class) I placed said envelope(s) for collection and mailing, following ordinary business practices, at the business offices of the CITY OF GARDEN GROVE, and addressed as shown above, for deposit in the United States Postal Service. I am readily familiar with the practice of the CITY OF GARDEN GROVE for collection and processing for mailing with the United States Postal Service, and said envelope(s) will be deposited with the United States Postal Service on said date in the ordinary course of business.

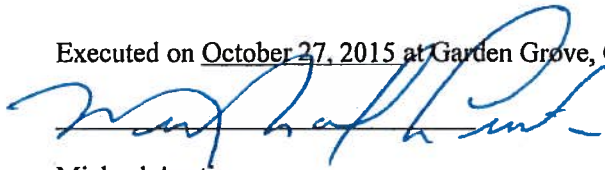
(BY OVERNIGHT DELIVERY) I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of the CITY OF GARDEN GROVE, and addressed as shown above, for collection and delivery to a courier authorized by (fill in - Federal Express/UPS/USPS) to receive said documents, with delivery fees provided for. I am readily familiar with the practices of the CITY OF GARDEN GROVE for collection and processing of documents for overnight delivery, and said envelope(s) will be deposited for receipt by (fill in - Federal Express/UPS/USPS) on said date in the ordinary course of business.

(BY FACSIMILE) I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated above.

(BY PERSONAL SERVICE) I hand delivered and posted the documents at the address listed.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 27, 2015 at Garden Grove, California.



Michael Austin
Supervising Building Inspector



CITY OF GARDEN GROVE

November 18, 2015

CERTIFIED MAIL

William B. Halbig
6151 Cerulean Ave.
Garden Grove, CA 92845

RE: Notice and Order of Building Official to Repair Substandard Building
Location: 6151 Cerulean Ave.

Name of Owner(s) of Record: William B. Halbig
Address of Record Owner(s): 6151 Cerulean Ave.
Garden Grove, CA 92845

The Community Development Department, Building Services Division makes routine inspections of buildings and structures within the City of Garden Grove that seek to ensure they are maintained in accordance with the minimum standards of safety established by State and local codes which are designed to protect the public's health, safety and welfare.

An inspection of the property at 6151 Cerulean Ave., which our records indicate is owned or controlled by you, was made on or about September 23, 2015, by the City of Garden Grove, Building Services Division. This inspection disclosed that violations of the California Residential Code, California Plumbing Code, California Mechanical Code, California Electrical Code, International Property Maintenance Code, and the Garden Grove Municipal Code, exist to such an extent that the building or structure endangers the public health, safety and welfare.

THE FOLLOWING SUBSTANDARD CONDITIONS WERE FOUND TO EXIST ON OR ABOUT September 23, 2015, AT THE SUBJECT PROPERTY AND MUST BE REPAIRED, REPLACED OR REMOVED AS APPROPRIATE TO BRING THE STRUCTURE INTO COMPLIANCE WITH THE ABOVE REFERENCED CODES. PERMITS MUST BE ISSUED FOR THOSE ITEMS NOTED WITH AN ASTERISK (*).

1. A storage building used as a workshop is located in the north east corner of the rear yard in the setbacks without Planning Division approval, permits or inspections. Relocate the shed to no closer than five-feet from any property line.

2. *Electrical conduit and conductors have been run from the dwelling to the storage shed without permits or inspections. Obtain permits and call for inspections for the electrical installation or remove the conduit and conductors capped off at their source.
3. *The two-car garage has been converted to habitable space (bedroom) without Planning Division approvals, permits or inspections. Obtain approvals permits and inspections or obtain a demolition permit and restore the garage back to its original permitted condition and use. The garage door shall be operable and allow for the access of two vehicles.

The conditions listed above have been found to create a hazard to life, limb, health, property, safety or welfare of the public and occupants thereof and are hereby declared to be dangerous and a public nuisance in accordance with HSC 17920.3 AND IPMC Sec 108 respectively.

YOU ARE ORDERED TO:

REPAIR/RESTORE: If you should choose to abate by repair, construction plans for the above listed violations shall be prepared, stamped and submitted by a licensed architect or engineer and permits obtained by December 18, 2015.

Permits shall be obtained for those corrections noted with an asterisk (*) above and repair work of all corrections shall commence not later than 30 days from the date of this notice. Repair work shall continue to progress in a timely manner, be completed and all inspections approved by this office not later than 5:00 PM, Monday, January 18, 2016. Permits may be obtained at the Permit Center, located on the first floor of the City Hall. Our counter personnel are available to assist you.

Repair work not commenced within the time specified may result in the following actions:

- The Building Official may order the building vacated and posted to prevent further occupancy until the repair work is completed.
- The Building Official may proceed to cause the work to be done and charge the costs thereof against the property or the owner.

DEMOLISH: The structures or alterations may be demolished at the owner's option. As such, a demolition permit shall be issued not later than 5:00 PM, Friday, December 18, 2015, and all demolition work shall be completed and inspection approved not later than 30 days after the issuance of the demolition permit. Such demolition shall include removal of the building or structure, debris, etc., and the proper termination of all utility, water and sanitation lines serving the building or structure. The demolition permit may be obtained at the Permit Center, located on the first floor of City Hall. Our counter personnel are available to assist you.

PROCEDURE AND CONSEQUENCES FOR NONCOMPLIANCE: Should the deadlines above expire, we will conduct a reinspection of the property on or about the date of expiration established above. If it is determined that the above substandard conditions, or any portion thereof, continue to exist, we will have no choice but to proceed with the following:

1. The matter may be sent to the City Attorney's office for criminal prosecution. Each day of violation may constitute a separate misdemeanor, the penalty for which is \$500 and a maximum of six (6) months in jail for each violation. Reference GGMC §1.04.010.
2. The Building Official may file a "Certificate of Dangerous Building" with County Recorder which certifies that the property is substandard. NOTE: A check for \$11.00, made payable to the Orange County Recorders Office, must be provided to the Building Service Division after completion and inspection approval of the substandard conditions, in order to release this certificate.
3. In accordance with State law, the City will file a "Notice of Noncompliance" (on substandard rental housing and/or on vacant structures) with the State Franchise Tax Board and the Orange County Recorder's office. Such Notice may result in the denial of State income tax deductions claimed for interest, taxes, depreciation or amortization paid or income in the taxable year with respect to such substandard rental housing.
4. Civil Abatement: In addition to the aforementioned consequences, the building official may commence civil abatement proceedings against you. The purpose of this action is to cause the repair of the building. Through a civil abatement action, among other remedies the City may seek to permanently enjoin you from maintaining the property in a substandard condition; the City may seek to obtain an order compelling you to provide or pay relocation benefits to each tenant displaced during the repair of the building; and, the City may seek to obtain an order requiring you to pay all reasonable and actual costs incurred by the City in conjunction with the action, including but not limited to attorneys fees and costs, and the

issuance of an Administrative Citation with a fine of up to \$1000.
(California Health and Safety Code section 17980.7).

This letter constitutes your notice and order to repair the building at 6151 Cerulean Ave. All necessary permits shall be obtained and repairs completed as specified above.

You may appeal this Notice and Order to the Garden Grove Administrative Board of Appeals by filing a written appeal within twenty (20) days of the date of this notice and order. Forms for appeal may be obtained from the City Clerk's Office in the City Hall. Failure to appeal shall constitute a waiver of any and all rights.

Please note that California Civil Code section 1942.5 provides serious penalties if you retaliate against any of your tenants in response to this Notice and Order.

We sincerely solicit your cooperation in correcting these substandard conditions. If we can provide further information or assistance, please contact (Michael Austin) at (714-741-5172) or our Permit Center at (714) 741-5307. Thank you for your immediate attention to this matter.

Respectfully,

Community Development Department
Karl Hill, Acting Community Development Director



Bill Tewfik
Building Official

INSPECTION #20150358

c: (Lienholder(s))

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STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over the age of 18 and not a party to the within action; I am employed by the City of Garden Grove in the County of Orange at 11222 Acacia Parkway, Garden Grove, CA 92840.

On November 18, 2015 I served the foregoing document(s) described as

"Notice and Order"

by placing
 The original a true copy thereof enclosed in sealed envelopes addressed as follows:

William B. Halbig, 6151 Cerulean Ave. Garden Grove. CA 92845

(BY MAIL, Certified or First Class) I placed said envelope(s) for collection and mailing, following ordinary business practices, at the business offices of the CITY OF GARDEN GROVE, and addressed as shown above, for deposit in the United States Postal Service. I am readily familiar with the practice of the CITY OF GARDEN GROVE for collection and processing for mailing with the United States Postal Service, and said envelope(s) will be deposited with the United States Postal Service on said date in the ordinary course of business.

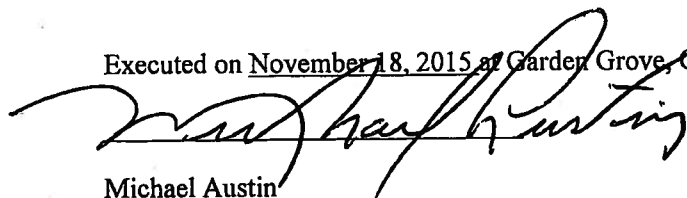
(BY OVERNIGHT DELIVERY) I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of the CITY OF GARDEN GROVE, and addressed as shown above, for collection and delivery to a courier authorized by (fill in - Federal Express/UPS/USPS) to receive said documents, with delivery fees provided for. I am readily familiar with the practices of the CITY OF GARDEN GROVE for collection and processing of documents for overnight delivery, and said envelope(s) will be deposited for receipt by (fill in - Federal Express/UPS/USPS) on said date in the ordinary course of business.

(BY FACSIMILE) I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated above.

(BY PERSONAL SERVICE) I hand delivered and posted the documents at the address listed.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 18, 2015 at Garden Grove, California.



Michael Austin

Supervising Building Inspector

WOODRUFF, SPRADLIN
& SMART
ATTORNEYS AT LAW
COSTA MESA

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DECLARATION OF MIKE AUSTIN

IN SUPPORT OF APPLICATION FOR INSPECTION WARRANT

I, Mike Austin, declare and state as follows:

1. The following is based on my own personal knowledge except for those matters for which I declare on information and belief. I have personal knowledge of the following facts and am competent to testify as to their truth if called as a witness.

2. I am currently employed as a Supervising Building Inspector for the City of Garden Grove, California ("City"). I have been so employed for the entirety of the City's investigation of this declaration's subject matter.

3. As part of my duties as a Supervising Building Inspector for the City of Garden Grove, I personally conduct inspections of residential, commercial, and industrial structures to ensure compliance with the provisions of the Garden Grove Municipal Code ("GGMC") and various building standards codes that are adopted by the City, and to identify conditions which are not in compliance with those codes and standards.

4. As part of my employment, I have personally inspected and made observations of the property located at 6151 Cerulean Ave., Garden Grove, CA 92845 ("Property"), which is believed to be owned and operated by William Halbig or the William Halbig trust. ("Owner").

5. I am also familiar with the City's case file relating to the Property, which includes a history of enforcement action, and correspondence sent to the Owner.

6. On or about September 9, 2015, I was made aware of a complaint from an anonymous caller that unpermitted and unsafe construction and electrical work had been completed on the Property.

7. Following this complaint, I conducted an inspection of the Property on or about September 23, 2015 from the public right-of-way. Additionally, I was allowed into the rear yard by residents of the Property. During this inspection, a storage shed was located, within the required setback area in the north east corner of the rear yard area. This storage shed had electrical conduit and conductors which had been run from the residence to the

[DECLARATION OF MIKE AUSTIN]

1 shed without the benefit of permits or inspections.

2 8. Following this inspection, on or about September 23, 2015, a Notice and Order
3 was issued and sent to Owner to remove shed from the setback area and to acquire a permit
4 and inspection for the electrical work within thirty days. A true and correct copy of this
5 notice is attached as **Exhibit A**.

6 9. Additionally, after my initial inspection, I received information that the garage
7 had possibly been converted to additional living space without the benefit of permits or
8 inspections.

9 10. After the expiration of the thirty day compliance period with no contact from
10 Owner, I issued or caused to be issued three additional notices informing Owner of the
11 nature of the violations and demanded that they be remedied immediately and consent be
12 given to City inspectors to inspect the entire Property due to additional suspected violations.

13 11. As of the date of this declaration, I have not had any contact with the Owner.
14 Based on my review of the City's case file related to this Property, I am informed and believe
15 that no one else in my department has had contact with the Owner as well. I am informed
16 and believe that the Property remains noncompliant as none of the permits necessary for
17 remediation have been pulled.

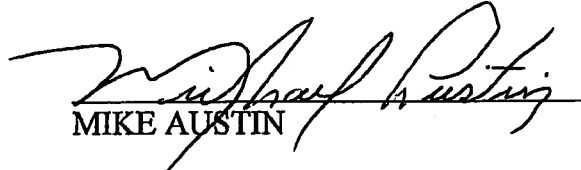
18

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

21 Executed this 27th day of April, 2016 in GARDEN GROVE, California.

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MIKE AUSTIN

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[DECLARATION OF MIKE AUSTIN]

24 HOUR NOTICE

Inspection of nuisance conditions on this property, located at: 6151 Cerulean Ave., Garden Grove, California, 92845, APN 130-644-20, will be conducted by the City of Garden Grove beginning at or after 9:30 A.m. on MAY 5, 2016.

This inspection will be conducted pursuant to a Warrant issued by the Orange County Superior Court. A copy of the Warrant is attached to this notice and will also be made available upon request at the time of execution of the Warrant.

It is a misdemeanor to willfully refuse to permit or to interfere with execution of this warrant. (C.C.P. § 1822.56.)

This Notice serves as the required 24-hour notice of intent to execute the above-mentioned warrant. (C.C.P. § 1822.56.)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
WEST JUSTICE CENTER

APR 28 2016

ALAN CARLSON, Clerk of the Court

BY: J. Scholl DEPUTY

1 WOODRUFF, SPRADLIN & SMART, APC
2 JASON M. MCEWEN - State Bar No. 246787
3 jmcewen@wss-law.com
4 NICHOLAS A. HUTCHINS - State Bar No. 303963
5 nhutchins@wss-law.com
6 555 Anton Boulevard, Suite 1200
7 Costa Mesa, CA 92626-7670
8 Telephone: (714) 558-7000
9 Facsimile: (714) 835-7787

10 Attorneys for
11 CITY OF GARDEN GROVE

12 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF ORANGE, WEST JUSTICE CENTER

14 IN THE MATTER OF THE APPLICATION
15 OF THE CITY OF GARDEN GROVE FOR
16 AN INSPECTION WARRANT RE
17 PREMISES AT,

18 6151 CERULEAN AVE., CITY OF
19 GARDEN GROVE, COUNTY OF
20 ORANGE, STATE OF CALIFORNIA

21 WARRANT NO: 5923
22 JUDGE: MARY KREBER VARIPAPA
23 [PROPOSED] INSPECTION
24 WARRANT

25 THE PEOPLE OF THE STATE OF CALIFORNIA:

26 To any Code Enforcement Officer of the City of Garden Grove, California, any
27 Building Official of the City of Garden Grove, California, any Fire Official of the City of
28 Garden Grove, any other law enforcement agency acting as agent of the City of Garden
Grove, and any authorized contractor acting as agent of the City of Garden Grove:

UPON GOOD CAUSE SHOWN TO THE COURT:

YOU AND YOUR AUTHORIZED REPRESENTATIVES ARE HEREBY
COMMANDED TO CONDUCT an inspection, as authorized by section 1822.50, *et seq.*, of
the Code of Civil Procedure, of the exterior and interior of any structures located on the

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& SMART
ATTORNEYS AT LAW
COSTA MESA

1 premises described as 6151 Cerulean Ave., City of Garden Grove, State of California,
2 Assessor's Parcel No. 130-644-20 ("Property").

3 YOU AND EACH OF YOU ARE HEREBY AUTHORIZED TO:

- 4 A. Enter any and all portions of the Property and conduct an inspection for
5 all municipal code violations at the premises;
- 6 B. Remove, if necessary, with the assistance of the Garden Grove Police
7 Department, any occupants from the Property, in order to inspect said
8 Property and building;
- 9 C. Enter by force, if determined necessary by Code Compliance Officers or
10 Police Officers; and
- 11 D. Videotape and/or photograph any and all of the aforementioned
12 activities.

13 This Inspection Warrant is necessary because there is reasonable cause to believe
14 there are violations of Garden Grove Municipal Code and its adopted Uniform Building
15 Codes relating to unpermitted construction and maintenance of a public nuisance. The
16 purpose of this Inspection Warrant is to determine the extent of such violations. No person
17 shall interfere with the execution of this Inspection Warrant. Any peace officer may
18 accompany the execution of this Inspection Warrant in order to keep the peace to prevent
19 any interference with the execution of this Inspection Warrant.

20 The inspection may be conducted without the presence of the Owners and/or any
21 occupants. This Inspection Warrant shall permit the City, its employees and contractors, to
22 enter onto the Property's exterior or interior at any time between the hours of 8:00 a.m. and
23 6:00 p.m. to execute this Warrant.

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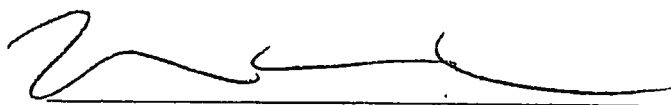
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1 Unless otherwise extended or renewed, this Inspection Warrant shall be effective for a
2 period of fourteen (14) days from the date of issuance specified below. In addition, this
3 Inspection Warrant shall be returned to this Court within thirty (30) days following its
4 execution.

5 IT IS SO ORDERED.

6
7
8 DATED: 4/28/14



JUDGE OF THE ORANGE COUNTY
SUPERIOR COURT

MARY KREBER VARIPAPA

WOODRUFF, SPRADLIN
& SMART
ATTORNEYS AT LAW
COSTA MESA

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
WEST JUSTICE CENTER

APR 28 2016

ALAN CARLSON, Clerk of the Court

BY: J. Schell DEPUTY

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10 Attorneys for
11 CITY OF GARDEN GROVE

12 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF ORANGE, WEST JUSTICE CENTER

14 IN RE THE MATTER OF THE
15 APPLICATION OF THE CITY OF
16 GARDEN GROVE FOR AN INSPECTION
17 WARRANT RE PREMISES AT:

18 6151 CERULEAN AVE., CITY OF
19 GARDEN GROVE, COUNTY OF
20 ORANGE, STATE OF CALIFORNIA

21 Warrant No.: 5923

22 JUDGE:

23 APPLICATION FOR INSPECTION
24 WARRANT; MEMORANDUM OF
25 POINTS AND AUTHORITIES;
26 DECLARATION OF MIKE AUSTIN;
27 DECLARATION OF NICHOLAS
28 HUTCHINS; [PROPOSED]
INSPECTION WARRANT

18 The City of Garden Grove, by and through its attorneys of record, applies to this
19 Court for the issuance of an inspection warrant, authorizing the City of Garden Grove
20 ("City") and/or its authorized representatives to enter the interior and exterior areas of the
21 premises located at 6151 Cerulean Avenue, in the City of Garden Grove, County of Orange,
22 State of California, Assessor's Parcel Number 130-644-20 (the "Property") and to inspect the
23 Property for violations of the Garden Grove Municipal Code ("GGMC").

24 This request for an inspection warrant is authorized by Code of Civil Procedure
25 section 1822.50 *et seq.* This application requests the authority to inspect the Property for the
26 violations described herein between the hours of 8:00 a.m. and 6:00 p.m. This request is
27 based on the attached Memorandum of Points and Authorities, Declaration of Mike Austin,
28 Declaration of Nicholas A. Hutchins, the exhibits attached thereto, and upon any additional


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1 oral and documentary evidence which may be presented to the Court.

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DATED: April 28, 2016

WOODRUFF, SPRADLIN & SMART, APC

By: 

JASON M. MCEWEN
NICHOLAS A. HUTCHINS
Attorneys for
CITY OF GARDEN GROVE

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 1. INTRODUCTION

3 The subject property of this application for inspection warrant is believed to be in
4 substantial noncompliance with the Garden Grove Municipal Code ("GGMC"). These
5 violations largely relate to the unpermitted – and thus uninspected – construction on the
6 property as well as unpermitted and unsafe modifications to the electrical system. Much of
7 this construction is apparently intended to convert more areas of the structure into living
8 spaces, presumably to hold more occupants. Because the property owner did not obtain
9 permits before undertaking this construction, the City cannot determine the precise extent of
10 potential harm to its occupants and neighboring properties that may arise from patchwork
11 electrical, plumbing, and structural alterations. Accordingly, the City seeks this inspection
12 warrant in an attempt to make this determination so that it may begin to take steps necessary
13 to bring the property into compliance.

14 2. STATEMENT OF FACTS

15 The subject property is located at 6151 Cerulean Ave., in the City of Garden Grove,
16 County of Orange, State of California, Assessor's Parcel Number 130-644-20 (the
17 "Property"). The owner of the Property is believed to be William Halbig or the William
18 Halbig trust ("Owner"). (Declaration of Deputy City Attorney Nicholas Hutchins "Hutchins
19 Decl." ¶ 2).

20 On or about September 9, 2015, the City received a complaint from an anonymous
21 caller that unpermitted and unsafe construction and electrical work had been completed on
22 the Property. (Declaration of Supervising Building Inspector Mike Austin "Austin Decl." ¶
23 6) Following this complaint, City Officials conducted an inspection of the Property on or
24 about September 23, 2015 from the public right-of-way. (Austin Decl. ¶ 7) Additionally,
25 City Officials were allowed into the rear yard by residents of the Property. (Id.) During this
26 inspection, a storage shed was located in the north east corner of the rear yard area. This
27 shed was within the required setback area in the rear yard. This storage shed had electrical
28 conduit and conductors which had been run from the residence to the shed without the

1 benefit of permits or inspections. (Id.) Additionally, City Officials are informed and believe
2 that the attached garage on the premises had been converted to additional living space
3 without the benefit of permits or inspections. (Austin Decl. ¶ 9)

4 Following this inspection, a Notice and Order was issued and sent to Owner to
5 remove shed from the setback area and to acquire a permit and inspection for the electrical
6 work. (Austin Decl. ¶ 8; Ex. A)

7 Since that time, the City has attempted on several occasions to contact the Owner to
8 obtain compliance as well as consent to inspect the interior of the residence. For example,
9 the City issued four additional notices informing Owner of the nature of the violations and
10 demanding that they be remedied immediately and consent be given for City inspectors to
11 inspect the entire Property due to additional suspected violations. (Austin Decl. ¶ 9)

12 On February 24, 2016, the City, by and through its City Attorneys, sent another
13 notice demanding consent to inspect the property. (Hutchins Decl. ¶ 3; Ex. B) On or about
14 March 7, 2016, Deputy City Attorney Nicholas Hutchins received a voicemail message from
15 attorney Renee Daughetee claiming to represent Mr. Halbig. (Hutchins Decl. ¶ 4) The
16 message requested additional time to comply with the request for consent to inspect the
17 Property. (Id.) Mr. Hutchins has attempted to contact Ms. Daughetee multiple times via
18 email and phone to no avail. (Id.) As such, this inspection warrant is required to ascertain
19 the quantity and quality of GGMC violations at the Property.

20 3. AN INSPECTION WARRANT SHOULD BE ISSUED BECAUSE THE
21 INSPECTION WARRANT IS SUPPORTED BY CAUSE AND MEETS ALL
22 THE STATUTORY REQUIREMENTS.

23 An inspection warrant may be issued if (A) the Petitioner demonstrates that there is
24 cause; (B) the facts and circumstances reasonably justify the failure to seek consent; and
25 (C) the application for inspection warrant contains affidavits supporting the inspection
26 warrant, and sufficiently describes with particularity the areas and violations to be inspected.
27 (Code of Civil Procedure § 1822.51)

28

1 A. There is Cause for This Court to Issue a Warrant for Inspecting for
2 Violations at the Subject Property Because There is Reason to Believe
3 That a Condition of Nonconformity Exists with Respect to the Property.

4 "Cause" is deemed to exist "if either reasonable legislative or administrative standards
5 for conducting a routine or area inspection are satisfied . . . or there is reason to believe that a
6 condition of nonconformity [with the municipal code] exists with respect to the particular
7 place, dwelling, structure, premises or vehicle." (Code of Civil Procedure § 1822.52)

8 Here, there is clearly "cause" to support the issuance of a warrant allowing the City to
9 inspect violations found at the Property. First, the City has received complaints from
10 residents within the Property citing the unsafe conditions inside. (Austin Decl. ¶ 6) Second,
11 the City's inspectors have personally observed unpermitted construction at the Property.
12 (Austin Decl. ¶ 7) Finally, the City's inspectors have observed evidence from the public
13 right-of-way that the attached garage has possibly been converted to a living area. (Id.)
14 Thus, there is cause to support issuance of an inspection warrant.

15 B. The City Has Sought Consent to Inspect the Property.

16 As required by Code of Civil Procedure section 1822.56, the City has previously
17 attempted to obtain consent to inspect the Property. The City has sent multiple letters
18 identifying the issues that are suspected to exist on the Property and requesting consent to
19 inspect the interior and exterior of the Property to confirm the violations. (Austin Decl. ¶ ¶
20 8, 9; Hutchins Decl. ¶ 3) Accordingly, the facts suggest that the Owner is willfully ignoring
21 the City's notices, instead deciding to continue maintaining the Property's substandard
22 conditions. (Austin Decl. ¶ 10)

23 C. This Inspection Warrant is Supported by Declaration and Particularly
24 Describes the Area and the Violations to be Inspected.

25 As stated above, this inspection warrant is supported by the declaration of Supervising
26 Building Inspector Mike Austin, who is familiar with the GGMC, its adopted building codes,
27 and has personal knowledge of the Property's noncompliance. Furthermore, the proposed
28 inspection warrant describes with particularity the areas and violations to be inspected and

1 requests no more force than is necessary for the execution of the inspection warrant. (See
2 Code of Civil Procedure § 1822.51) The Property is also clearly identified by street address
3 and Assessor's Parcel Number.

4 The proposed inspection warrant is further narrowly tailored in other respects. For
5 example, the proposed inspection warrant allows representatives of the City to enter the
6 Property solely for the purpose of ascertaining the scope of code violations at the Property.
7 The inspection is limited to the hours of 8:00 a.m. and 6:00 p.m., and, as stated in the
8 previous section, the facts and circumstances justify the warrant's immediate execution.
9 (Code of Civil Procedure § 1822.56) Moreover, the warrant issued should be made effective
10 for a period of fourteen (14) days, as allowed by the Code of Civil Procedure. (Code of Civil
11 Procedure § 1822.5) Additionally, permission for forcible entry with the use of a locksmith
12 onto and into the premises is requested should the tenants, occupants, and/or owners not be
13 present at the Property, or attempt to prevent inspection by the appropriate City officials.

14 Accordingly, the requirement that the City file a declaration in support of the
15 inspection warrant, and describe with particularity the areas and violations to be inspected, is
16 clearly satisfied.

17 **4. CONCLUSION**


18 For the reasons stated above, there are very likely violations at the Property that must
19 be confirmed and identified. "Cause" exists for the issuance of the requested warrant.
20 Consent has been sought and been refused. Lastly, the warrant is supported by declaration
21 and is narrowly tailored for the purpose of enforcing the GGMC.

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1 Therefore, Petitioner respectfully requests the Court to issue an inspection warrant
2 that permits the City, its agents, and its contractors to: enter the Property to inspect for
3 violations, and to use reasonable force if necessary to accomplish the same. In addition to a
4 sworn declaration, the City will provide the Court with the pertinent information from the
5 City's case file, including the above-referenced exhibits, so that it can determine if "cause"
6 exists.

7
8 DATED: April 28, 2016

WOODRUFF, SPRADLIN & SMART, APC

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11 By: 
12 JASON M. MCEWEN
13 NICHOLAS A. HUTCHINS
14 Attorneys for
15 CITY OF GARDEN GROVE
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DECLARATION OF MIKE AUSTIN
IN SUPPORT OF APPLICATION FOR INSPECTION WARRANT

I, Mike Austin, declare and state as follows:

1. The following is based on my own personal knowledge except for those matters for which I declare on information and belief. I have personal knowledge of the following facts and am competent to testify as to their truth if called as a witness.

2. I am currently employed as a Supervising Building Inspector for the City of Garden Grove, California ("City"). I have been so employed for the entirety of the City's investigation of this declaration's subject matter.

3. As part of my duties as a Supervising Building Inspector for the City of Garden Grove, I personally conduct inspections of residential, commercial, and industrial structures to ensure compliance with the provisions of the Garden Grove Municipal Code ("GGMC") and various building standards codes that are adopted by the City, and to identify conditions which are not in compliance with those codes and standards.

4. As part of my employment, I have personally inspected and made observations of the property located at 6151 Cerulean Ave., Garden Grove, CA 92845 ("Property"), which is believed to be owned and operated by William Halbig or the William Halbig trust. ("Owner").

5. I am also familiar with the City's case file relating to the Property, which includes a history of enforcement action, and correspondence sent to the Owner.

6. On or about September 9, 2015, I was made aware of a complaint from an anonymous caller that unpermitted and unsafe construction and electrical work had been completed on the Property.

7. Following this complaint, I conducted an inspection of the Property on or about September 23, 2015 from the public right-of-way. Additionally, I was allowed into the rear yard by residents of the Property. During this inspection, a storage shed was located, within the required setback area in the north east corner of the rear yard area. This storage shed had electrical conduit and conductors which had been run from the residence to the

[DECLARATION OF MIKE AUSTIN]

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& SMART
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shed without the benefit of permits or inspections.

8. Following this inspection, on or about September 23, 2015, a Notice and Order was issued and sent to Owner to remove shed from the setback area and to acquire a permit and inspection for the electrical work within thirty days. A true and correct copy of this notice is attached as Exhibit A.

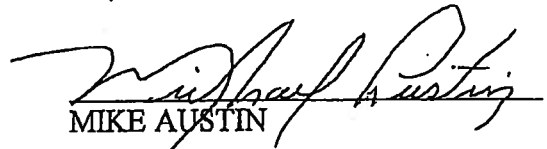
9. Additionally, after my initial inspection, I received information that the garage had possibly been converted to additional living space without the benefit of permits or inspections.

10. After the expiration of the thirty day compliance period with no contact from Owner, I issued or caused to be issued three additional notices informing Owner of the nature of the violations and demanded that they be remedied immediately and consent be given to City inspectors to inspect the entire Property due to additional suspected violations.

11. As of the date of this declaration, I have not had any contact with the Owner. Based on my review of the City's case file related to this Property, I am informed and believe that no one else in my department has had contact with the Owner as well. I am informed and believe that the Property remains noncompliant as none of the permits necessary for remediation have been pulled.

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

Executed this 27th day of April, 2016 in GARDEN GROVE, California.


MIKE AUSTIN

[DECLARATION OF MIKE AUSTIN]

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