

Letters from Local Authorities Regarding Certificates of Occupancy



Long Valley Charter School

Proudly Established in the Year 2000

Continued Educational Excellence Since 1871

P.O. Box 7 ~ Doyle, CA 96109 Telephone ~ 530 827-2395

April 20, 2012

Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

RE: Certificates of Occupancy and ADA issues

Ms. Baltazar:

Attached are letters Long Valley Charter School has received from the City of Portola and Andrew Phillips regarding the lack of a Certificate of Occupancy for the Portola and Cottonwood Resource Centers. Andrew Philips will be picking up a letter from the planning department in Cottonwood on Monday afternoon at 3pm. His work schedule did not afford him the ability to do so any sooner than this. The documentation that he will be getting on Monday will address both the ADA compliance and Certificate of Occupancy issues.

Also attached is a letter from the City of Susanville regarding the ADA compliance of the Susanville Resource Center.

Sincerely,

A handwritten signature in black ink that reads "Cindy Henry". The signature is written in a cursive, flowing style.

Cindy Henry
Director
Long Valley Charter School



City of Portola

35 Third Avenue • P.O. Box 1225
Portola, California 96122
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Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento CA 95814-5901

Re: Long Valley Charter School
Certificate of Occupancy
280 East Sierra Avenue in Portola, CA

Ms. Baltazar,

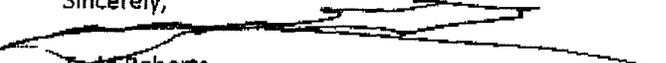
Long Valley Charter School ("Long Valley") has informed me that the California Department of Education has objected to the fact that Long Valley does not have a Certificate of Occupancy for its resource center located at 280 East Sierra Avenue in the city of Portola, California.

As Building Department Official for the City of Portola, and thus as representative of the local building enforcement agency with jurisdiction over the area in which the resource center was proposed to be located, I determined in 2010 that the building in which Long Valley planned to locate their resource center was built in 1895; while a Certificate of Occupancy was likely issued at some point thereafter, I was not able to locate the COO in the file for the building. Its previous uses, however, had been as a business (B-Occupancy), including as a scrapbooking store that also offered educational classes.

I also determined in my capacity as representative of the local building enforcement agency with jurisdiction over the area in which the resource center was proposed to be located that the use of the building at 280 East Sierra Avenue in Portola, CA by Long Valley would not be a change in use from its prior B-occupancy use, as the space would be used by fewer than 50 individuals, and would not be used as a traditional school facility. As a result, I determined that Long Valley would not be required to seek a Certificate of Occupancy prior to occupying the building located at 280 East Sierra Avenue.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Todd Roberts

Andrew Phillips
Box 615
Cottonwood, CA 96022

Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento CA 95814-5901

Re: Long Valley Charter School
Certificate of Occupancy
3308 Main Street, Cottonwood, CA

Ms. Baltazar,

Long Valley Charter School ("Long Valley") has communicated to me that the California Department of Education has objected to the fact that Long Valley does not have a Certificate of Occupancy for its resource center located at 3308 Main Street, Cottonwood, California. However, at the time Long Valley was proposing to rent the property, the County Planning and Building departments stated to me that Long Valley would not need to seek a Certificate of Occupancy as their use of the property would not constitute a change of use.

I am the owner of this property, and as such am the Landlord for Long Valley. When Long Valley was proposing to rent my property, I discussed the issue of the need for a Certificate of Occupancy with both the Cottonwood Fire Department, and the ~~Shasta~~ County Planning and Building Departments, which are the local building enforcement agency with jurisdiction over the area in which the resource center was proposed to be located. County Planning and Building staff told me that, because the property was built sometime around 1890 and was thus built before Certificates of Occupancy were issues, there was no Certificate of Occupancy in their file for the location.

Furthermore, after I described the intended use of the facility (as a charter school resource center) to County Planning staff, staff told me that a Certificate of Occupancy would not be required in order for Long Valley to occupy the property because its occupancy would not be a change in use. I communicated this to Long Valley staff shortly thereafter. At no time since has the County objected to Long Valley's use and occupancy of the property at 3308 Main Street without a new Certificate of Occupancy.

Please do not hesitate to contact me should you have any questions.



[SIGNATURE]



City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

April 20, 2012

Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento CA 95814-5901

**Re: Long Valley Charter School
Compliance with the Americans With Disabilities Act
900 Main Street in Susanville, CA**

Ms. Baltazar,

Long Valley Charter School ("Long Valley") has informed me that the California Department of Education has made a finding that Long Valley is not in compliance with the Americans with Disabilities Act for its resource center located at 900 Main Street in Susanville, California.

As the Building Official for the City of Susanville it is my determination that Long Valley's facility meets the accessibility requirements for existing buildings according to the 2010 California Building Code, Chapter 34, and Section 3411.4.2. Furthermore, I have determined that because Long Valley's occupancy did not represent a change in use, because no alterations were made to the site, and because the site was in compliance with the ADA at the time Long Valley was issued its COO, no alterations needed to be made to bring the site into compliance. However if renovations to the building should occur in the future further upgrades will be handled on a case by case basis.

Please do not hesitate to contact me at 530-252-5117 should you have any questions.

Sincerely,

Charlie Palmer
Building Official
City of Susanville

Lino P. Callegari
Mayor
Douglas Sayers
Mayor pro tem

Councilmembers:
Joseph Franco
Cheryl L. McDonald
Rod E. De Boer

EXISTING STRUCTURES

SECTION 3409
HISTORIC BUILDINGS

[DSA-AC] For applications listed in Section 1.9.1 regulated by the Division of the State Architect-Access Compliance for Qualified Historical Buildings, see California Code of Regulations, Title 24, Part 8 (California Historical Building Code).

3409.1 Historic buildings. The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for *historic buildings* where such buildings are judged by the *building official* to not constitute a distinct life safety hazard.

3409.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into compliance with Section 1612.

Exception: *Historic buildings* that are:

1. *Listed* or preliminarily determined to be eligible for listing in the National Register of Historic Places;
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is *approved* by the Department of Interior.

SECTION 3410
MOVED STRUCTURES

3410.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

Exception: [HCD 1 & HCD 2] After July 1, 1978, local ordinances or regulations for moved apartment houses and dwellings shall permit the retention of existing materials and methods of construction, provided the apartment house or dwelling complies with the building standards for foundations applicable to new construction and does not become or continue to be a substandard building. For additional information, see Health and Safety Code Section 17958.9.

SECTION 3411
ACCESSIBILITY FOR EXISTING BUILDINGS

3411.1 Scope. The provisions of Sections 3411.1 through 3411.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as *historic buildings*.

Exception: Type B dwelling or sleeping units required by Chapter 11A or 11B as applicable of this code are not required to be provided in existing buildings and facilities being altered or undergoing a change of occupancy.

3411.2 Maintenance of facilities. A building, facility or element that is constructed or altered to be *accessible* shall be maintained *accessible* during occupancy.

3411.3 Extent of application. An *alteration* of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

3411.4 Change of occupancy. Existing buildings that undergo a change of group or occupancy shall comply with this section.

3411.4.1 Partial change in occupancy. Where a portion of the building is changed to a new occupancy classification, any alterations shall comply with Sections 3411.6, 3411.7 and 3411.8.

3411.4.2 Complete change of occupancy. Where an entire building undergoes a change of occupancy, it shall comply with Section 3411.4.1 and shall have all of the following *accessible* features:

1. At least one *accessible* building entrance.
2. At least one *accessible* route from an *accessible* building entrance to *primary function* areas.
3. Signage complying with Chapter 11A or 11B as applicable.
4. Accessible parking, where parking is being provided.
5. At least one *accessible* passenger loading zone, when loading zones are provided.
6. At least one *accessible* route connecting *accessible* parking and *accessible* passenger loading zones to an *accessible* entrance.

Where it is *technically infeasible* to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible.

3411.5 Additions. Provisions for new construction shall apply to additions. An *addition* that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 3411.7.

3411.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11A or 11B as applicable of this code and ICC A117.1, unless *technically infeasible*. Where compliance with this section is *technically infeasible*, the *alteration* shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an *accessible* route, unless required by Section 3411.7.
2. *Accessible means of egress* required by Chapter 10 are not required to be provided in existing buildings and facilities.