



**Contra
Costa
County**

To: Board of Supervisors
From: Jason Crapo, County Building Official
Date: March 3, 2015

Subject: Hearing on Appeal of the Notice and Order to Abate for property located at 1986 Mohawk Dr., Pleasant Hill, CA

RECOMMENDATION(S):

1. OPEN the hearing on the appeal of the Notice and Order to Abate a public nuisance on the real property located at 1986 Mohawk Drive, Pleasant Hill, CA, in Contra Costa County; APN: 166-320-006;
2. RECEIVE and CONSIDER oral and written testimony and other evidence from the county abatement officer, the property owners, and other persons; and CLOSE the hearing.
3. FIND that the facts set forth below are true.
4. AFFIRM the county abatement officer's determination in the Notice and Order to Abate by finding that a tent, accessory buildings, and unpermitted retaining walls have been erected at the front of this parcel. The tent and accessory structures are being used to store household goods, personal items, and other property. The conditions on the parcel are a public nuisance in violation of Contra Costa County Ordinance Code sections 720-6.402 and 720-6.404.
5. ORDER the property owner to abate the public nuisance by removing the tent, accessory

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/03/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor

ABSENT: Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 3, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Jason Crapo
925-674-7722

cc:

buildings, unpermitted retaining walls, stored household goods, personal items and other property from the parcel within 30 days of the mailing of the Board decision.

6. DIRECT the county abatement officer to remove the tent, accessory buildings, unpermitted retaining walls, and household goods, personal items, and other property from the parcel and charge the cost

RECOMMENDATION(S): (CONT'D)

of the work and all administrative costs to the property owner, if the property owner does not comply with the Board's order to abate the public nuisance.

7. DIRECT the county abatement officer to send the Board's decision by first class mail to the property owner and to each party appearing at this hearing, and to file the Board's decision with the Clerk of the Board of Supervisor.

FISCAL IMPACT:

If the county abatement officer performs the work of abatement, the property owner will be charged for the cost of the abatement. If the property owner does not pay, the actual costs of the work and all administrative costs may be imposed as a lien on the property after notice and a hearing, and may be collected as an assessment against the property.

BACKGROUND:

The real property located at 1986 Mohawk Drive, Pleasant Hill, CA, in Contra Costa County; APN: 166-320-006 is owned by Gabriel Perez. The above referenced property is a vacant, .43 acre unimproved lot located in an R-15 zoning district in unincorporated Pleasant Hill, CA.

Contra Costa County Ordinance Code section Title 7, Chapter 720.6: Regulation of Vacant Property, section 720-6.402 - Duty of property owner, states, "Every owner shall maintain property in accordance with the provisions of this chapter and correct all violations of the standards listed in this chapter, and is liable for violations of this chapter regardless of any contract or agreement with any third party concerning the property".

Section 720-6.404 - Duty to maintain property, states, "(a) No owner shall maintain or allow the maintenance of vacant property in such a manner that any nuisance condition exists on the vacant property. (b) If a notice and order to abate has been transmitted to an owner, the vacant property must remain secured in accordance with Article 720-6.6."

Section 720-6.208, references the following: Definitions, and states, "For purposes of this chapter, the following words and phrases have the following meanings: (a) "County Building Official" means the director of the building inspection department or his or her designated representative who is authorized and directed to enforce this chapter. (b) "Nuisance condition" is one or more of the following conditions occurring on a vacant property: (1) Substantial amounts of trash, debris, rubbish, or garbage; (2) Discarded vehicles or boats, discarded trailers, vehicle or boat parts, vehicle or boat hulks, or other articles of personal property that are abandoned or left in a state of partial construction or repair; (3) Attractive nuisances dangerous to children, such as abandoned, broken or neglected equipment, machinery, refrigerators or freezers, or unsafe pools, ponds or excavations; (4) Shopping carts, discarded household equipment, or broken or discarded furniture; (5) Weeds over eighteen inches in height; (6) Any other similar nuisance condition. (c) "Owner" means a person, persons, corporation, partnership, limited liability

company, or any other entity holding fee title to the subject real property. If more than one person or entity owns the subject real property, "owner" refers to each entity holding any portion of the fee interest in the property, and the owners' obligations in this chapter are joint and several as to each owner.(d)"Vacant Property" means any property that is unimproved and includes unimproved tracts, lots, easements, or parcels of land.

The county abatement officer made an initial inspection of the above-referenced property in September, 2013. The county abatement officer observed a tent, unpermitted retaining walls, and accessory structures used to store household goods, personal items and other property. The conditions on the property violate the County Ordinance Code and constitute a public nuisance. A Notice to Comply was sent to the property owner on February 28, 2014.

Re-inspection of the property on April 10, 2014, September 10, 2014, October 6, 2014 and December 10, 2014 showed that the property continued to be in violation of Contra Costa County Ordinance Code sections 720-6.402 and 720-6.404.

The Notice and Order to Abate was served on the property owner and all known to be in possession of the property by certified mail on December 10, 2014, and posted the above referenced property on December 10, 2014.

The Property owner filed an appeal of the Notice and Order to Abate on December 15, 2014. Notice of this appeal hearing was sent to the property owner by the Clerk of the Board.

CONSEQUENCE OF NEGATIVE ACTION:

The consequence of a negative action would allow violations to continue and impose unsightly conditions on residents resulting in potential loss of property values.

CHILDREN'S IMPACT STATEMENT:

None

CLERK'S ADDENDUM

Speakers: Gabriel Perez (Appellant); Dean Raymond,nearby resident.

CLOSED the hearing and ADOPTED staff recommendations as presented.

ATTACHMENTS

Appeal Letter

Photos