



Contra
Costa
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: December 19, 2017

Subject: Appeal of Abatement Action at 4049 Camino Vinedo, Martinez, CA owner H.O. and Gloria J. Royal

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 4049 Camino Vinedo, Martinez, CA in Contra Costa County; Assessor's Parcel No. 380-191-011; RECEIVE and CONSIDER oral and written testimony and other evidence from the County Abatement Officer, the property owner, and other persons; and CLOSE the hearing.

2. FIND that the facts set forth below are true.

3. AFFIRM the County Abatement Officer's determination in the Notice and Order to Abate by finding that the substandard building under construction with expired building permits, which is substandard due to inadequate sanitation, nonconforming wiring, plumbing and mechanical equipment, and faulty weather protection, and which is presently occupied without a final inspection or certificate of occupancy issued by the building official, on the above-referenced real property is a public nuisance in violation of Contra Costa County Ordinance Code sections 72-6.202, 74.2002, and 712-4.014; California Health and Safety Code section 17920.3; and California Residential Code sections R109.1.6 and R110.1.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/19/2017** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

See Addendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III
Supervisor

Karen Mitchoff, District IV
Supervisor

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: December 19, 2017

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

By: June McHuen, Deputy

Contact: Jason Crapo,
925-674-7723

cc:

4. ORDER the property owner to abate the public nuisance by doing all of the following within thirty (30) days of the mailing of the Board's decision:

RECOMMENDATION(S): (CONT'D)

- a. Vacate the substandard building; and
 - b. Remove the junk, debris, garbage, rodent harborages, and combustible material from the interior of the substandard building and premises; and
 - c. Either obtain the appropriate building permits for the substandard building and an approved final inspection, or secure the substandard building according to the County standards for securing a vacant structure found in Contra Costa County Ordinance Code section 720-4.406.
5. DIRECT the County Abatement Officer to remove the junk, debris, garbage, rodent harborages, and combustible material from the interior of the substandard building and the premises, secure the substandard building in accordance with Contra Costa County Ordinance Code section 720-4.406 and charge the cost 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.
6. 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:

Staff estimates the cost of clearing the interior of the substandard building and the premises and securing the substandard building to be approximately \$20,000. If the County Abatement Officer performs the work of abatement and the property owner does not pay, the actual cost of the work and all administrative costs will be imposed as a lien on the property after notice and a hearing, and may be collected as an assessment against the property.

BACKGROUND:

1. The real property located at 4049 Camino Vinedo, Martinez, CA in Contra Costa County; APN 380-191-011 is owned by H.O. & Gloria J. Royal.
2. The above-referenced property is located in a single-family residential zoning district.
3. Contra Costa County Ordinance Code section 72-6.202 prohibits the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, or demolition of any building or structure regulated by Title 7 of the County Ordinance Code, or the performance of any work regulated by Title 7 of the County Ordinance Code, without the necessary permits from the county building official.
4. Contra Costa County Ordinance Code section 74-2.002 and California Residential Code sections R109.1.6 and R110.1 prohibit occupancy of a building until a final inspection is made and the building official issues a certificate of occupancy.

5. Contra Costa County Ordinance Code section 712-4.014 prohibits violations of State Housing Law (California Health & Safety Code section 17910 et seq.), and California Health & Safety Code section 17920.3 enumerates conditions that would result in a building being declared substandard, including inadequate sanitation, nonconforming wiring, plumbing, or mechanical equipment, and faulty weather protection.
6. County staff made an initial inspection of the above-referenced property on October 27, 2015. County staff observed the occupation of a substandard building under construction, including inadequate sanitation, nonconforming wiring, plumbing, and mechanical equipment, and faulty weather protection, in violation of Contra Costa County Ordinance Code section 712-4.014 and California Health and Safety Code section 17920.3, subsections (a) 1, 3, 5, 6, and 10, (d), (e), (f), and (g). Inspection of county files related to the above-referenced property revealed that the building permit issued for construction of the substandard building (BI423969) had expired, and occupancy had occurred without an approved final inspection or issuance of a certificate of occupancy in violation of Contra Costa County Ordinance Code sections 72-6.202 and 74.2002, and California Residential Code sections R109.1.6 and R110.1. County staff also observed an accumulation of junk, debris, garbage, rodent harborages, and combustible materials on the site.
7. Re-inspections of the property on January 21, 2016, March 11, 2016, May 17, 2016, August 31, 2016, October 19, 2016, April 13, 2017, August 29, 2017, September 1, 2017, and October 24, 2017 showed that the property continued to be in violation of Contra Costa County Ordinance Code sections 72-6.202, 74.2002, and 712-4.014; California Health & Safety Code section 17920.3, subsections (a) 1, 3, 5, 6, and 10, (d), (e), (f), and (g); and California Residential Code sections R109.1.6 and R110.1. See Attachment A for the chronology of events and site inspections at the property.
8. The Notice and Order to Abate was served on the property owner and all persons known to be in possession of the property by certified mail on August 31, 2017 and posted on the above-referenced property on September 1, 2017.
9. The property owner filed an Appeal of Notice and Order to Abate on September 14, 2017. Notice of this appeal hearing was sent to the property owner by the Clerk of the Board by both certified and regular mail on December 7, 2017.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the recommended actions, unsafe conditions representing a public nuisance will continue to exist on the subject property.

CLERK'S ADDENDUM

Speaker: Appellant, Doug Royal. Mr. Royal addressed the Board, and informed them that he has obtained a loan to complete the reconstruction of the residence, and is hiring a general contractor to do the work. He estimates two months to begin the reconstruction. CLOSED the public hearing; DIRECTED Mr. Royal to provide the Code Enforcement Department with documentation proving a construction loan exists; DIRECTED Code Enforcement to take no action for 60 days, to allow the general

contractor to obtain the necessary permits and begin work; DIRECTED that if permits are not obtained and repairs begun, Code Enforcement proceed with the abatement.

ATTACHMENTS

Appeal of Notice to Abate

Letter of Complaint

Attachment A Chronology of Events

Exhibit A - Photos