



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: March 19, 2019

Subject: Appeal of Abatement Action at 4049 Camino Vinedo, Martinez, 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 4049 Camino Vinedo, Martinez, California in the unincorporated area of Contra Costa County; (APN: 380-191-011) owned by H.O. and Gloria J. Royal.
2. 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. 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 fire damaged structure is a 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

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/19/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: Diane Burgis, District III
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 19, 2019

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

By: Jami Napier, Deputy

Contact: Jason Crapo
925-674-7722

cc:

sections R109.1.6 and R110.1.

RECOMMENDATION(S): (CONT'D)

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:

- a. Vacate the substandard building; and
- b. Remove the junk, debris, garbage, rodent harborages, and combustible material from the exterior of the substandard building and premises; and
- c. Either obtain the appropriate building permits for the substandard building and an approved final inspection or;
- d. Vacate and demolish the building and remove all debris from property. A permit is required to be obtained from this Department prior to the demolition of the structure.

5. DIRECT the County Abatement Officer to vacate and demolish the sub-standard structure and remove all debris from the property 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 demolishing the substandard building and clearing the lot of all debris to be approximately \$25,000. 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:

The single family residence located at 4049 Camino Vinedo in unincorporated Martinez was severely damaged by a fire in 2008. Since that time, the property has been partially reconstructed, but the work remains incomplete. The structure is in substandard condition and represents a public nuisance. The property has been the subject of numerous code enforcement complaints from neighbors in the surrounding community and from parents and staff from the adjacent Las Juntas Elementary School since shortly after the 2008 fire.

The County Department of Conservation and Development (DCD) has responded to these

community complaints by notifying the property owners and the occupant, Mr. Doug Royal, of the violations on the property. Mr. Royal has made some efforts over the ensuing years to bring the property into compliance, and has twice obtained building permits for the reconstruction of the damaged home: once in 2009 and again in 2013. However, in both cases, these building permits expired due to lack of progress in construction.

The current code enforcement case began in the fall of 2015, when DCD staff once again responded to complaints from the community concerning the property. Beginning in the fall of 2015, and continuing to the fall of 2017, County staff observed the substandard conditions on the property and the unpermitted occupancy of the residence by Mr. Royal.

In September 2017, DCD staff served the property owners and Doug Royal with a Notice and Order to Abate concerning the violations on the property. Mr. Royal appealed this Notice, and an appeal hearing was held before the Board of Supervisors on December 19, 2017. At the conclusion of the hearing, the Board directed staff to allow Mr. Royal 60 days to correct the violations on the property, and to proceed with involuntary abatement of the violations if not removed by Mr. Royal after 60 days.

Mr. Royal proceeded to make some progress in removing violations from the property in early 2018. However, on July 28, 2018 another fire significantly damaged a large portion of the partially reconstructed residence. Since this time, Mr. Royal has been unable to make progress towards bringing the property into compliance. The current conditions on the property are more hazardous, and represent a greater risk to public safety, since any time following the initial fire in 2008. Therefore, staff recommends that the Board direct staff to order Mr. Royal to bring the property into compliance within 30 days or to proceed with abatement action.

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

Opened public hearing, received oral and written testimony and other evidence from the County Abatement Officer and the property owner. Closed the hearing. Finds the facts set forth below are true. Affirmed the County Abatement Officer's determination in the Notice and Order to Abate. Ordered 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: a. Vacate the substandard building; and b. Remove the junk, debris, garbage, rodent harborages, and combustible material from the exterior of the substandard building and premises; and c. Either obtain the appropriate building permits for the substandard building and an approved final inspection or; d. Vacate and demolish the building and remove all debris from property. A permit is required to be obtained from this Department prior to the demolition of the structure. Directed the County Abatement Officer to vacate and demolish the sub-standard structure and remove all debris from the property 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. Directed 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.

ATTACHMENTS

Appeal of Notice and Order to Abate

Attachment A Chronology of Events

Exhibit A - Photos