



Legislation Text

File #: 20-959, Version: 2

Memorandum

Date: October 27, 2020

To: The Honorable Moke Simon, Chair, Lake County Board of Supervisors

From: Scott DeLeon, Community Development Interim Director
Tocarra Thomas, Community Development Deputy Director
Andrew Williams, Code Enforcement Manager
Marcus Beltramo, Code Enforcement Officer

Subject: Hearing on Account and Proposed Assessment for 10100 Bell Ave, Lower Lake, CA

Exhibits: 1. Zoning Map
2. Photos of Property Prior to Abatement
3. Notice of Nuisance and Order to Abate
4. Contractor Quotes Received
5. Abatement Action Photos
6. Task Sheet

Executive Summary: (include fiscal and staffing impact narrative):

I. PROPERTY DESCRIPTION:

Property Owner: Ralston, Roy (deceased)
Location: 10100 Bell Ave, Lower Lake, CA
APN: 024-313-060
Zoning: "R1" Single Family Residential District

II. ABATEMENT SUMMARY:

Subject/Purpose:

Pursuant to Chapter 13, Article VII, Section 41.1 - Upon the completion of the abatement, the Enforcement Official shall cause a notice to be prepared, specifying the work done, an itemized account of the costs and receipts of performing the work, an address, legal description or other description sufficient to identify the premises, the amount of the assessment proposed to be levied against the premises, and the time and place when and where the enforcement official will submit the account to the Board for confirmation.

Pursuant to Chapter 13, Article VII, Section 42.1 - At the time and place fixed in the notice, the Board shall hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Board may make such modifications and revisions of the proposed account and assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part or as modified and revised. The determination of the Board as to all matters contained therein shall be final and conclusive.

The Notice of Assessment was posted at the property and published for circulation.

Issue(s)/Complaint(s):

In January/February 2019, a structure fire occurred causing damage to the dwelling located on the property. On March 9, 2020, Code Enforcement received a written complaint concerning the subject property:

“The mobile home has burned and what is left remaining is a hazard and is in danger of falling over.”

Property:

The property is zoned “R1” Single Family Residential. Existing on the property was a mobile home with wood covered porch, cabana, and detached storage room. **(Exhibit 1)**

Enforcement Action:

On or about February 25, 2019, this Department was made aware that a fire occurred on the property. The Building Division posted an “*Unsafe Do Not Enter or Occupy*” at/on the property.

On March 9, 2020, a complaint was filed with the Code Enforcement Division. On March 11, 2020, a site visit was conducted and it was determined the structure was unsafe and presented serious health and safety issues to the neighboring/surrounding community.

On June 4, 2020, a “*Notice of Nuisance and Order to Abate*” (NONOTA) was posted at/on the property and mailed via certified mail to the owner listed on the assessors roll. A “*Do Not Enter or Occupy*” red tag was posted in a conspicuous location on the property. Based on County records it was determined that Roy Ralston was the property owner reflected on title. The NONOTA sent in the mail was returned. **(Exhibit 2 - Photos and Exhibit 3 - NONOTA)**

The NONOTA cited violations of the Lake County Code (LCC) of:

- Chapter 5, Article I, Section 5-4A, 2019 California Building Code Section 116.1 - Structures that are or hereafter become unsafe, insanitary or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section.
- Chapter 13, Article I, Section 13- 3.1 (e) (4) - Any condition dangerous to human life, unsafe, or detrimental to the public health or safety.
- Chapter 13, Article I, Section 13-3.1 (e) (8) - Any items causing an unsightly appearance which is visible from the public right of way or sites of neighboring properties or which provides

harborage for rats and/or other vermin, or creates other potential health hazard or public nuisance.

On July 17, 2020, Code Enforcement reached out to the Lake County Civilian Coroner with the Sheriff's Office for assistance in locating the property owner or his next of kin. At this time, it was discovered the property owner was deceased and pronounced so on November 2, 2015. Code Enforcement contacted the property owner's next of kin, an adopted son Ryan Ralston, who informed Code Enforcement the property was not part of a trust or included in a will. The next of kin stated he had no intention to pursue the property.

On July 28, 2020, as required by Lake County Air Quality Management, an asbestos test was conducted and it was determined the site contained asbestos containing material.

Due to the fact there was no responsible party available or willing to cure the health and safety issues persisting on the property, the Code Enforcement Division determined an abatement action was necessary to abate or eliminate the public health and safety issues. Due to the state of the structure, a demolition and clean-up of the structure was determined to be the most appropriate action.

Competitive Bidding Process:

On July 29, 2020, the contract for abatement work was sent out for bid to the list of registered contractors with the County as part of the competitive bidding process. Code Enforcement received one (1) quote:

- Leonard's Hauling, subcontracting with NRC for the asbestos removal - \$21,140.00. **(Exhibit 4)**

Abatement Action:

On September 17, 2020, a warrant was signed by a Lake County Superior Court Judge allowing access onto the property in order to perform the demolition work. On September 18, 2020, the 24 Hour Notice was posted at/on the property and mailed via certified mail to the address of the property owner as listed on the assessors roll. Between September 21, 2020 to September 25, 2020, work was conducted to remove the asbestos from the property and to demo the existing structure. On September 25, 2020, the abatement was completed, the health and safety issues were resolved. Compliance was achieved with the Lake County Code restoring the property to its original state of a vacant lot. **(Exhibit 5)**

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Consistency with Vision 2028 and/or Fiscal Crisis Management Plan (check all that apply):

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Well-being of Residents | <input checked="" type="checkbox"/> Public Safety | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Not applicable |
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Disaster Recovery | <input type="checkbox"/> County Workforce | <input type="checkbox"/> Technology Upgrades |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake | <input type="checkbox"/> Revenue Generation |
| | | | <input type="checkbox"/> Cost Savings |

If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:

Which exemption is being requested?

How long has Agreement been in place?
When was purchase last rebid?
Reason for request to waive bid?

Recommended Action:

(Revised 10-26-2020) - Confirm the assessment of **\$25,672.00** and direct staff to Record a Notice of Lien against the property.

- The cost of abatement services amounted to **\$24,140.00**.
- The administrative costs on this case amounted to **\$483.93**.
- Asbestos Test amounted to **\$650.00**.
- Lake County Air Quality Management, NESHAP Fee **\$398.07**.

Note of Interest - property taxes have been delinquent since 2015 in the amount of **\$9,555.59** (as of the date of this report). (The property is not eligible for a tax lien sale until June 30, 2021 at which time the property will have been delinquent in paying its property taxes for five (5) years.).