



Agenda Date: 4/4/2006
Agenda Placement: 8G
Set Time: 2:35 PM PUBLIC HEARING
Estimated Report Time: 30 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director, 253-4805
SUBJECT: Public Hearing - Nuisance Abatement

RECOMMENDATION

Conduct a Nuisance Abatement Hearing pursuant to County Code Section 1.20.060 to hear and consider all objections or protests, if any, to the notice of nuisance abatement issued for the property located at 1595/1597 Las Amigas Road in Napa, CA. (Assessor's Parcel Nos. 047-310-005 and 047-310-008), and at the conclusion of the hearing take one of following two actions:

1. Terminate the abatement proceedings; or
2. Find that a nuisance exists and adopt a Resolution Declaring the Existence of Public Nuisance and Ordering its Abatement, and directing the owner or other interested persons to abate the nuisance in a reasonable time (30 days).

ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 1/Categorical Exemption Class 21: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") and Class 21 ("Enforcement Actions by Regulatory Agencies") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and 15321; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

EXECUTIVE SUMMARY

The property at 1595/1597 Las Amigas Road in Napa County has been the subject of code enforcement efforts by the County for some time due to the storage of inoperative vehicles, other equipment and machinery, as well as the presence of junk and debris, including potentially hazardous and combustible materials. If the Board of Supervisors affirms the County's determination of a public nuisance and the property owner fails to comply with the Board's order, County staff may abate the nuisance and levy an assessment against the property to recover the County's costs.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Budget unit 12700 contains funds set aside for the abatement of code violations by the County when private property owners fail to act. Funds will be recouped by placing a lien on the subject property.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Board could choose not to expend budgetted funds on the subject property and to reserve those funds for other properties or uses.
Is the general fund affected?	Yes
Future fiscal impact:	None.
Consequences if not approved:	The noticed code violations will not be abated.
Additional Information:	None

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 1/Categorical Exemption Class 21: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") and Class 21 ("Enforcement Actions by Regulatory Agencies") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and 15321; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

BACKGROUND AND DISCUSSION

The property at 1595/1597 Las Amigas Road in Napa County has been the subject of code enforcement efforts by the County for some time due to the storage of inoperative vehicles, other equipment and machinery, as well as the presence of junk and debris, including potentially hazardous and combustible materials.

Most recently, the County issued a Notice of Nuisance dated December 5, 2005, which is attached. No abatement activities occurred by the noticed date of January 15, 2006, and on March 10, 2006 a Notice of Nuisance Abatement Hearing was issued and a hearing was scheduled for the date of April 4, 2006. A copy of this notice is also attached.

If the Board of Supervisor's affirms the County's determination of a public nuisance and the property owner fails to comply with the Board's order, County staff may proceed to abate the nuisance and levy an assessment against the property to recover the County's costs. In August 2005, the Board of Supervisors stated their desire to create a fund for nuisance abatement activities, and \$200,000 has been set aside in budget unit 12700 for this purpose.

SUPPORTING DOCUMENTS

- A . April 4, 2006 Staff Report RE: 1595/1597 Las Amigas Rd.
- B . December 5, 2005 Notice of Nuisance
- C . March 10, 2006 Notice of Nuisance Abatement Hearing
- D . Resolution Declaring a Public Nuisance and Ordering Abatement

CEO Recommendation: Approve

Reviewed By: Andrew Carey