



Agenda Date: 7/10/2007
Agenda Placement: 8C
Set Time: 10:00 AM PUBLIC HEARING
Estimated Report Time: 20 minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: David Giudice, Supervising Code Enforcement Officer , 299-1347
SUBJECT: Public Hearing - Nuisance Abatement 420 Glass Mountain Road

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 420 Glass Mountain Road in Saint Helena, CA. (Assessor's Parcel No. 021-250-006), 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(s) or other interested persons to abate the nuisance in a reasonable time (30 days for items 1-12 and 7 days for items 13-16 identified in Table 1 of the June 19, 2007 abatement notice).

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 420 Glass Mountain Road in Napa County has been the subject of code enforcement efforts by the County for some time due to building, electrical and plumbing violations (occupancy of unpermitted dwelling), as well as the presence of scrap metal, junk and debris, including potentially hazardous and combustible materials. If the Board of Supervisors determines that a nuisance exists and the property owner fails to comply with the Board's abatement order, County staff may abate the nuisance and levy an assessment against the property to recover the County's costs in performing the abatement.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Budget unit 12700 sets aside \$200,000 for the abatement of code violations by the County when private property owners fail to act. Currently a \$152,945 balance remains in the fund. It is estimated that \$20,000-\$30,000 would be required to abate the code violations at 420 Glass Mountain Road. 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 budgeted funds on the subject property and to reserve those funds for other properties or uses.
Is the general fund affected?	No
Future fiscal impact:	None.
Consequences if not approved:	The noticed code violations will not be abated.
Additional Information:	

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 420 Glass Mountain Road in Napa County has been the subject of code enforcement efforts by the County for some time due to building, electrical and plumbing violations (occupancy of unpermitted dwelling), as well as the presence of scrap metal, junk and debris, including potentially hazardous and combustible materials.

Most recently, the County issued a Notice of Nuisance dated March 14, 2007 giving 65 days to abate the violations, a copy of which is attached. No contact was made with the County by the property owners and no abatement activities occurred by the noticed date of May 18, 2007. On May 22, 2007 one of the property owners contacted Napa County Fire and requested an inspection. The following day, May 23, 2007 an inspection was conducted by Napa County Fire and Code Enforcement. A small amount of progress was made cleaning up debris at the rear of the property. Photos taken at this inspection are attached. On June 18, 2007 Code Enforcement staff conducted an inspection noting that progress was made in removing materials and debris, one of the sheds and the lean-to had been demolished. The shed converted to a dwelling had not been restored back to a shed and it appeared that it continued to be occupied. On June 19, 2007 a Notice of Nuisance Abatement Hearing was issued and a hearing was scheduled for the date of July 10, 2007. A copy of this notice is also attached. County staff is

concerned for the health and safety of the occupant and surrounding neighboring properties as they relate to the converted shed and is requesting that swift action be taken to vacate the structure and restore the structure back to a shed (removal of plumbing and electrical related to a dwelling). It is therefore requested that 30 days be given for abatement of items 1-12 and 7 days for items 13-16 identified in Table 1 of the June 19, 2007 abatement notice. The June 19, 2007 notice is attached.

If the Board of Supervisors determines that the conditions of the property constitute a nuisance and the property owner fails to comply with the Board's abatement order, County staff may proceed to abate the nuisance and levy an assessment against the property to recover the County's abatement costs.

SUPPORTING DOCUMENTS

- A . Notice of Nuisance Abatement - June 19, 2007
- B . Notice of Nuisance - March 14, 2007
- C . Photos
- D . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi