



DATE: December 2, 2009

TO: Honorable Mayor and City Councilmembers

FROM: Neighborhood Services Department - Housing and Code Enforcement

SUBJECT: **APPEAL OF CODE ENFORCEMENT NOTICE AND ORDERS
REQUIRING CORRECTIVE ACTIONS ON PROPERTY LOCATED AT
2368 BACK NINE STREET, APN 165-651-06-00**

SYNOPSIS

Staff recommends that the City Council conduct a public hearing pursuant to Oceanside City Code Section 17.6(6) to consider an appeal filed by Michelle Lyons to Notice and Orders issued by the Code Enforcement Division requiring corrective actions on the property located at 2368 Back Nine Street, APN 165-651-06-00; consider all relevant information and testimony from interested parties; deny the appeal; and adopt a resolution setting forth findings and ordering the owner to correct the violations.

BACKGROUND

Oceanside City Code Chapter 17 requires owners within the City of Oceanside to maintain their properties in compliance with all applicable codes and ordinances. Notice and Orders are issued for continuing violations where citations have not resulted in compliance. An appeal to a Notice and Order must be filed by the owner of record within 10 days. Upon receipt of a timely appeal, a public hearing must be scheduled before the City Council where the appeal will be considered. An appeal has been filed by the property owner of record in response to Notice and Orders issued for the property located at 2368 Back Nine Street.

ANALYSIS

In response to community complaints, administrative citations were issued by Code Enforcement staff for an accumulation of trash, junk and debris on the property. Through this process, it was also confirmed that electrical and gas service had been disconnected from the residence. A need-to-inspect letter was subsequently issued to the property owner requesting access to the interior of the dwelling. As no voluntary response was received, a warrant was obtained from the North County Superior Court to inspect the entire property. An inspection involving Code Enforcement, Building Inspection, Fire, OPD, and SDG&E was conducted on October 15, 2009, which confirmed numerous code violations. A Notice and Order approved by the Code Enforcement and Building Divisions was issued on October 15, 2009, requiring the owner to restore utilities to the dwelling. A second Notice and Order was issued on

October 26, 2009, requiring the removal of all trash, junk, and debris from the interior of the dwelling and yard areas. The property owner has failed to take the required corrective actions and has filed an appeal to the Notice and Orders. Pursuant to Oceanside City Code Section 17.6(6), a determination by the City Council regarding the existence of City Code violations must be made. If the appeal is denied, a resolution by the City Council will be adopted which will order the owner to correct the violations. Should the property remain in violation, the City will request an abatement warrant from the North County Superior Court to complete the work which would include the removal of all trash, junk, and debris from the property and the securing of the dwelling to prevent habitation until such time as utilities are restored.

FISCAL IMPACT

If applicable, the potential costs associated with abating the violations by the City will be recovered as a lien against the property pursuant to Oceanside City Code Sections 17.11 through 17.13.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

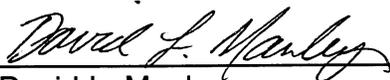
The referenced documents have been reviewed by the City Attorney's Office and approved as to form.

RECOMMENDATION

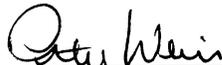
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PREPARED BY:

SUBMITTED BY:



David L. Manley
Neighborhood Services Division Manager



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Margery M. Pierce, Neighborhood Services Director

Jim Zicaro, Chief Building Official / *STEVE JONES*
FOR JIM ZICARO

MP.

JZ

Attachments:

1. Notice and Orders
2. Photo Exhibits
3. Notice and Order Appeal
4. Property Ownership Record
5. Abatement Resolution



CITY OF OCEANSIDE

NEIGHBORHOOD SERVICES DEPARTMENT
CODE ENFORCEMENT DIVISION

October 26, 2009

Michelle Lyons
2368 Back Nine Street
Oceanside, CA 92056

NOTICE AND ORDER SUBSTANDARD BUILDING

RE: STREET ADDRESS: 2368 BACK NINE STREET

ASSESSOR'S PARCEL: 165-651-06-00

LEGAL DESCRIPTION: ROBINHOOD DEL ORO-VILLAGE A LOT 44

- A. The City of Oceanside has found the building and premises at the above referenced address to be substandard.
- B. The conditions which were found to render the building and premises substandard are:
 - 1) The interior of the building contains an excessive amount of debris and combustible waste.
 - 2) The yard areas contain an excessive amount of junk, debris and combustible materials.
- C. The described conditions constitute violations of the following subsections of the California Health and Safety Code Section 17920.3(h) & (j).
- D. The corrections required to restore the building and premises to conformance with the minimum standards are:
 - 1) Remove all junk, trash, and debris from the interior of the building. All exit pathways in the building must remain unobstructed. The garage area must be cleared of debris to the extent that it can be utilized for vehicle parking.
 - 2) Remove all junk, trash and debris from the yard areas.

The above corrections must be completed by no later than **November 25, 2009**.

- E. If the above corrections are not completed within the time frames specified, the City will order the building vacated, secured against entry and posted to prevent further occupancy until the work is complete. The City may proceed to cause the work to be done and charge the costs thereof against the property or its owner. If compliance is not had with the order within the time specified and no appeal has been properly and timely filed, the City shall file in the office of the San Diego County Recorder a certificate describing the property and certifying that the building (and premises) are substandard and that the owner has been so notified.

- F. It is the responsibility of the property owner/agent to have a continuing awareness of the condition of the property and to maintain it at all times in compliance with all applicable codes and ordinances. Upon failure of the property owner/agent to meet their obligations, this Notice and Order authorizes the City to take any action necessary to bring the premises into compliance, and to assess any costs associated with such action against the property.

- G. Any person having any record title or legal interest in the property may appeal the Notice and Order, provided the appeal is made in writing as provided in the code, and filed with the City within 10 days from the date of this order. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. The application for appeal must be submitted on the approved form (attached) and accompanied by a \$150 processing fee.

- H. A copy of the Oceanside City Code is on file at the City of Oceanside Code Enforcement Division. If further information concerning this order is needed, please contact the Code Enforcement Division Office at (760) 435-3945.

A copy of the California Health and Safety Code is on file at the City of Oceanside Code Enforcement Division Office.

BY: 
Bernard Tinant, Code Enforcement Officer III



CITY OF OCEANSIDE

NEIGHBORHOOD SERVICES DEPARTMENT
CODE ENFORCEMENT DIVISION

October 15, 2009

Michelle Lyons
2368 Back Nine Street
Oceanside, CA 92056-1701

NOTICE AND ORDER SUBSTANDARD BUILDING

RE: STREET ADDRESS: 2368 Back Nine Street

ASSESSOR'S PARCEL: 165-651-06

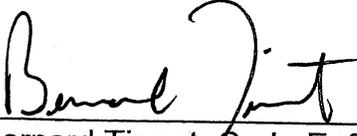
LEGAL DESCRIPTION: Robinhood Del Oro Village A Lot 44

- A. The City of Oceanside has found the building (and premises) at the above referenced address to be substandard.
- B. The condition which was found to render the building and premises substandard is: The building is not properly connected to gas and electric service.
- C. The described condition constitutes violations of the following subsections of the California Health and Safety Code Section 17920.3 a. 5, 6, 7, 10.
- D. The corrections required to restore the building and premises to conformance with the minimum standards are: Obtain the required building permits to restore gas and electric service by no later than November 16, 2009. Obtain a final inspection on the permit by no later than November 30, 2009.
- E. The City has ordered the building vacated, secured against entry and posted to prevent further occupancy until the work is complete. The City may proceed to cause the work to be done and charge the costs thereof against the property or its owner. If compliance is not had with the order within the time specified and no appeal has been properly and timely filed, the City shall file in the office of the San Diego County Recorder a certificate describing the property and certifying that the building (and premises) is substandard and that the owner has been so notified.
- F. It is the responsibility of the property owner/agent to have a continuing awareness of the condition of the property and to maintain it at all times in compliance with all applicable codes and ordinances. Upon failure of the property owner/agent to meet their obligations, this Notice and Order authorizes the City to take any action necessary to bring the premises into compliance, and to assess any costs associated with such action against the property.

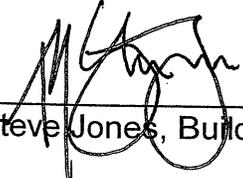
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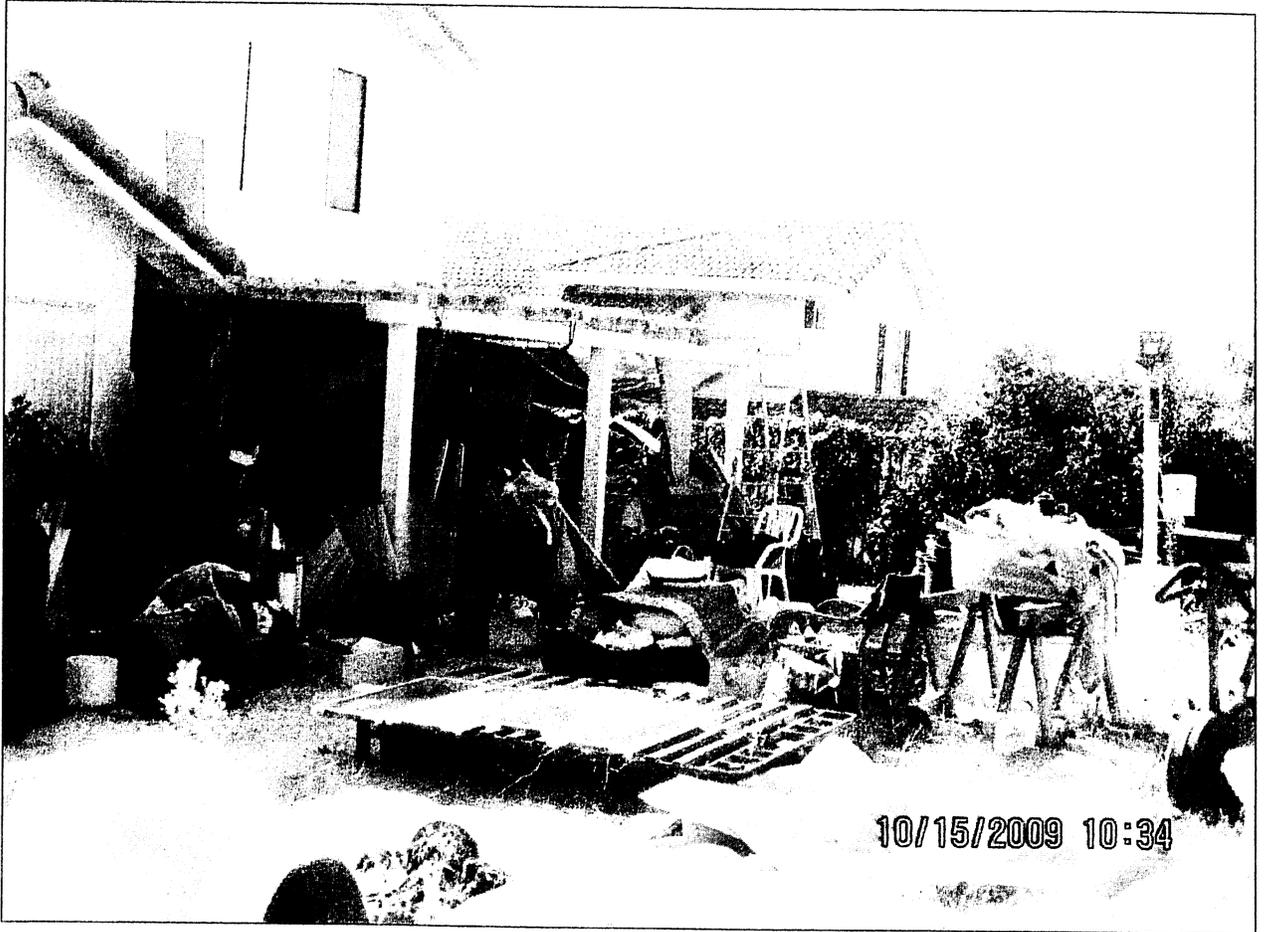


Steve Jones, Building Services Administrator

10/15/09



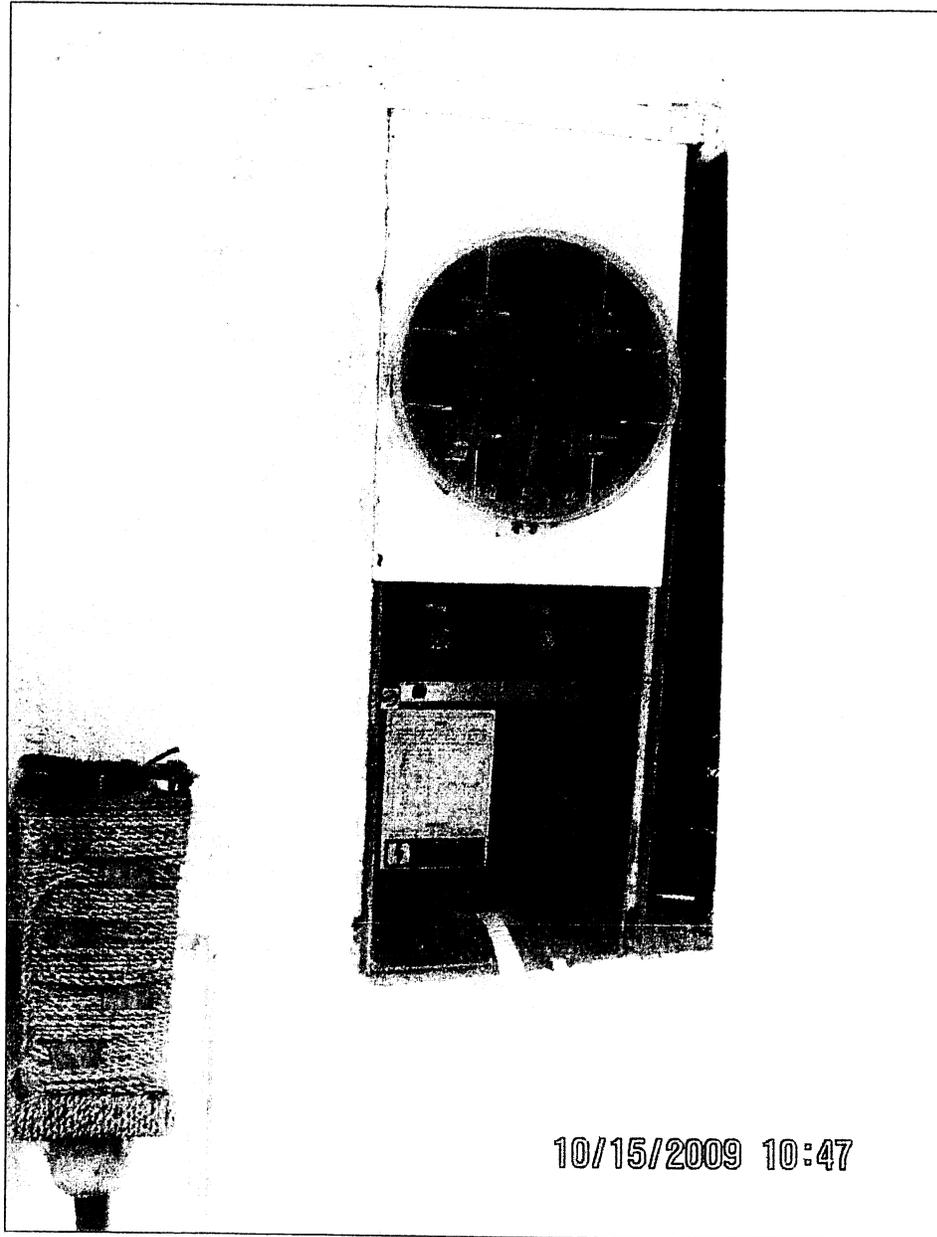
2368 Back Nine Street
Debris in rear yard area.
10-15-09 B. Tinant Photo no. A22



2368 Back Nine Street
Debris in rear yard area.
Unpermitted patio roof.
10-15-09 B. Tinant Photo no. A25



2368 Back Nine Street
Debris in the south side yard area.
10-15-09 B. Tinant Photo no. A31



2368 Back Nine Street
Electrical meter and wiring removed from panel.
Two holes drilled in electrical panel.
10-15-09 B. Tinant Photo no. A32



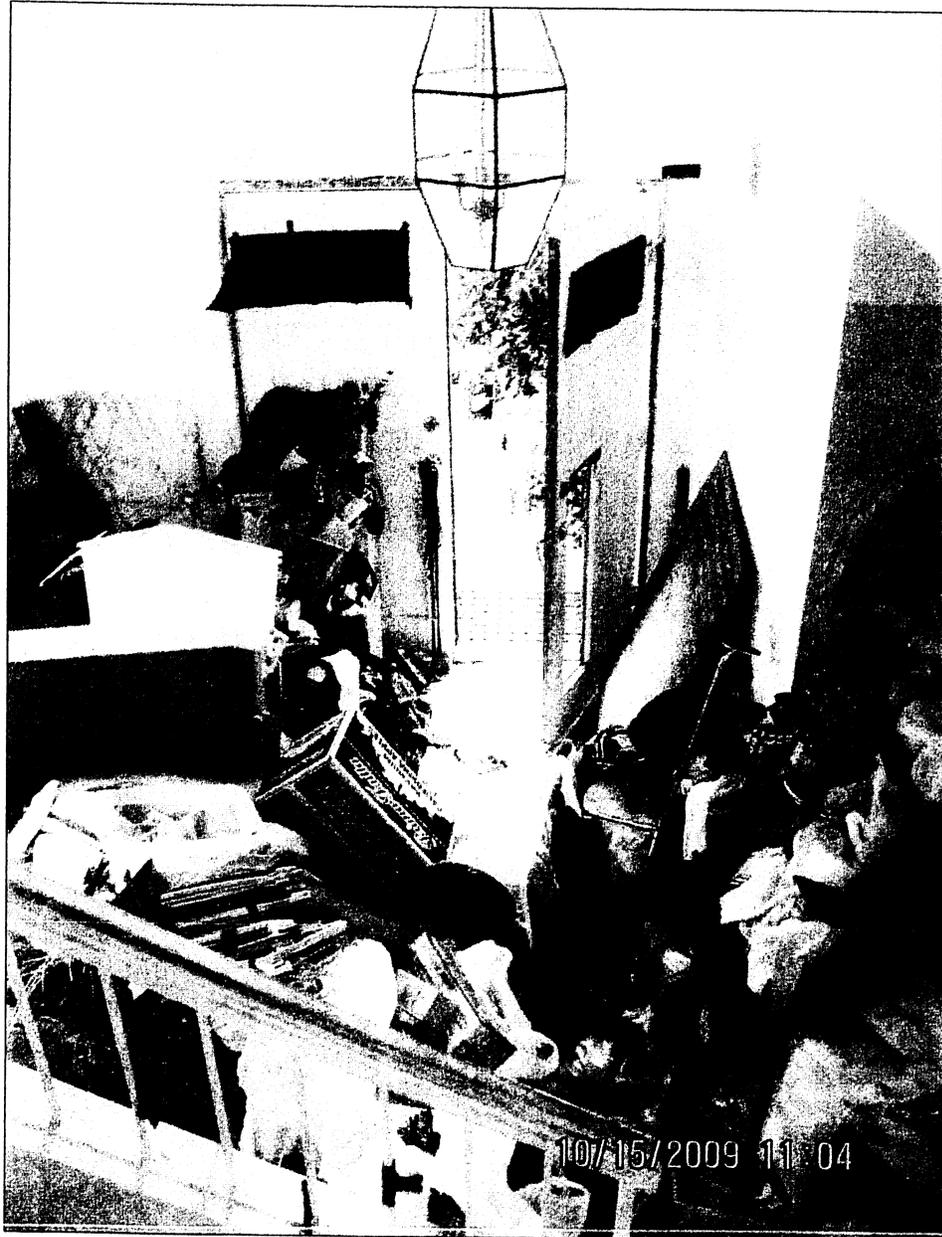
2368 Back Nine Street
Gas meter removed from property.
10-15-09 B. Tinant Photo no. A35



2368 Back Nine Street
Debris in family room and front foyer areas.
10-15-09 B. Tinant Photo no. A43



2368 Back Nine Street
Debris in front foyer area.
10-15-09 B. Tinant Photo no. A44



2368 Back Nine Street
Debris in front foyer area.
Plywood previously used to repair front door.
10-15-09 B. Tinant Photo no. A45



2368 Back Nine Street
Debris in upper hallway area.
Electrical cord from inverter running to east room.
10-15-09 B. Tinant Photo no. A47



2368 Back Nine Street
Debris in exit pathway to front & rear doors.
10-15-09 B. Tinant Photo no. A81



City of Oceanside Code Enforcement Division
602 Civic Center Drive, Oceanside, California 92054

NOTICE AND ORDER APPEAL APPLICATION

Property Address: 2368 Back Nine St.

Assessor's Parcel Number: 165-651-06

Person filing appeal (Appellant): Michelle Lyons

- Interest in Property:
- Property Owner
 - Tenant
 - Manager
 - Lien holder
 - Other: _____

Mailing Address: Same

Telephone Number: _____

REASON(S) FOR APPEAL (attach additional sheets if necessary):

Reserve all rights and appeal all matters complained
of by the city of Oceanside's Notice and
Order Substandard Building dated Oct 15, 2009.
Requesting a waiver of fees due to unemployment.
I am not receiving unemployment compensation.

I declare that the information stated in this appeal application is true and correct:

Signature (Appellant) [Signature] Date 10-26-09

Appellant will be notified of time, date and location of the hearing by first class mail at the mailing address indicated above.

| For City Use Only | | | |
|----------------------|-------------------------------|---|--------------------------------------|
| Date Appeal Received | <u>10/26/09</u> | Received By | <u>[Signature]</u> |
| Received via: | <input type="checkbox"/> Mail | <input checked="" type="checkbox"/> Personal Delivery | <input type="checkbox"/> Other _____ |

Property Detail Report

For Property Located At

RealQuestProfessional™**2368 BACK NINE ST, OCEANSIDE CA 92056-1701****Owner Information:**

Owner Name: **LYONS MICHELLE**
 Mailing Address: **2368 BACK NINE ST, OCEANSIDE CA 92056-1701 C689**
 Phone Number: _____ Vesting Codes: **SI / /**

Location Information:

Legal Description: **LOT 44**
 County: **SAN DIEGO, CA** APN: **165-651-06-00**
 Census Tract / Block: **185.15 / 2** Alternate APN: _____
 Township-Range-Sect: _____ Subdivision: **ROBINHOOD DEL ORO VILLAGE A**
 Legal Book/Page: _____ Map Reference: **14-C1 / 1106-J1**
 Legal Lot: **44** Tract #: **11758**
 Legal Block: _____ School District: **OCEANSIDE**
 Market Area: _____ Munic/Township: _____
 Neighbor Code: _____

Owner Transfer Information:

Recording/Sale Date: **/** Deed Type: _____
 Sale Price: _____ 1st Mtg Document #: _____
 Document #: _____

Last Market Sale Information:

Recording/Sale Date: **08/13/1999 / 08/09/1999** 1st Mtg Amount/Type: **/**
 Sale Price: _____ 1st Mtg Int. Rate/Type: **/**
 Sale Type: **FULL** 1st Mtg Document #: _____
 Document #: **563682** 2nd Mtg Amount/Type: **/**
 Deed Type: **GRANT DEED** 2nd Mtg Int. Rate/Type: **/**
 Transfer Document #: _____ Price Per SqFt: _____
 New Construction: _____ Multi/Split Sale: _____
 Title Company: **FIDELITY NATIONAL TITLE**

Lender: _____
 Seller Name: **SANDOVAL CURTIS J**

Prior Sale Information:

Prior Rec/Sale Date: **07/29/1997 /** Prior Lender: **CREST MTG CO**
 Prior Sale Price: **\$232,000** Prior 1st Mtg Amt/Type: **\$220,300 / CONV**
 Prior Doc Number: **361268** Prior 1st Mtg Rate/Type: **/ FIX**
 Prior Deed Type: **GRANT DEED**

Property Characteristics:

| | | |
|---------------------------------|-----------------------------|----------------|
| Gross Area: 2,318 | Parking Type: GARAGE | Construction: |
| Living Area: 2,318 | Garage Area: | Heat Type: |
| Tot Adj Area: | Garage Capacity: 2 | Exterior wall: |
| Above Grade: | Parking Spaces: 2 | Porch Type: |
| Total Rooms: | Basement Area: | Patio Type: |
| Bedrooms: 4 | Finish Bsmnt Area: | Pool: |
| Bath(F/H): 3 / | Basement Type: | Air Cond: |
| Year Built / Eff: / 1988 | Roof Type: | Style: |
| Fireplace: / | Foundation: | Quality: |
| # of Stories: | Roof Material: | Condition: |
| Other Improvements: | | |

Site Information:

Zoning: **1** Acres: **0.38** County Use: **1 FAMILY RESIDENCE (111)**
 Flood Zone: **X** Lot Area: **16,344** State Use: _____
 Flood Panel: **0602940758F** Lot Width/Depth: **x** Site Influence: _____
 Flood Panel Date: **06/19/1997** Res/Comm Units: **1 /** Sewer Type: _____
 Land Use: **SFR** Water Type: _____

Tax Information:

| | | |
|---------------------------------------|----------------------------|---------------------------------|
| Total Value: \$316,277 | Assessed Year: 2009 | Property Tax: \$3,839.06 |
| Land Value: \$156,843 | Improved %: 50% | Tax Area: 07076 |
| Improvement Value: \$159,434 | Tax Year: 2009 | Tax Exemption: HOMEOWNER |
| Total Taxable Value: \$309,277 | | |

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE FINDING THAT PUBLIC NUISANCE VIOLATIONS
4 EXIST ON THE PROPERTY LOCATED AT 2368 BACKNINE
5 STREET, OCEANSIDE, CALIFORNIA 92056, AND ORDERING THE
6 ABATEMENT OF SAID VIOLATIONS

7 WHEREAS, Oceanside City Code Chapter 17 requires all property owners within the
8 City of Oceanside to maintain their property in compliance with all applicable codes and
9 ordinances,

10 WHEREAS, the Code Enforcement Office issued Notice and Orders on October 15 and
11 26, 2009 to the owner of record of the property located at 2368 Backnine Street, Oceanside,
12 California, 92056 stating that the property is in violation of California Health and Safety Code
13 Sections 17920. 3(a), 5, 6, 7, and 10, (h), and (j);

14 WHEREAS, the owner of record has not voluntarily corrected the violations and has
15 filed an appeal to the Notice and Orders pursuant to the provisions of Oceanside City Code
16 Section 17.6(6);

17 WHEREAS, on December 2, 2009 the City Council of the City of Oceanside held a
18 public hearing, at which time an opportunity was provided by all interested parties to present
19 arguments for and against the appeal; and

20 WHEREAS, the City Council finds that the continued violation on the above referenced
21 property constitutes a Public Nuisance as defined by Oceanside City Code Chapter 17.3(m);

22 NOW, THEREFORE, the City Council does order as follows:

23 The owner of record of 2368 Backnine Street, Oceanside, California, 92056 is hereby
24 required to restore all utilities prior to reoccupying the dwelling, to obtain all applicable
25 building permits documenting the restoration, and to remove all trash, junk, and debris from the
26 interior and exterior of the dwelling and premises within thirty (30) days of the adoption of this
27 resolution, and that failure to comply with this order will result in the City obtaining an
28 abatement warrant to complete the required work and to assess all costs associated with the
abatement through a property tax lien.

1 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
2 this _____ day of _____, 2009, by the following vote:

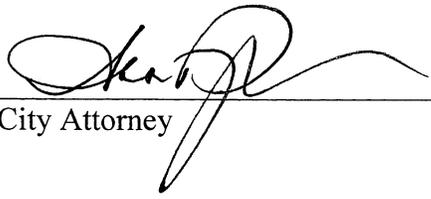
- 3 AYES:
- 4 NAYS:
- 5 ABSENT:
- 6 ABSTAIN:

7
8 MAYOR OF THE CITY OF OCEANSIDE

9
10 ATTEST:

APPROVED AS TO FORM:

11
12 _____
City Clerk

13
14 
15 _____
City Attorney

16 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE FINDING THAT PUBLIC NUISANCE
17 VIOLATIONS EXIST ON THE PROPERTY LOCATED AT 2368 BACKNINE STREET, OCEANSIDE, CALIFORNIA
18 92056, AND ORDERING THE ABATEMENT OF SAID VIOLATIONS

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