

CITY OF OAKLAND  
AGENDA REPORT

2011 NOV 17 PM 4: 26

TO: Office of the City Administrator  
ATTN: Deanna J. Santana  
FROM: Community and Economic Development Agency  
DATE: November 29, 2011

RE: A Report And Possible Action On High Profile Code Enforcement Cases

SUMMARY

At the September 20, 2011, meeting of the City Council, the Building Services Division (BSD) of the Community and Economic Development Agency (CEDA) was requested to return with additional information on code enforcement cases for several properties identified by public speakers. The following table summarizes BSD's code enforcement actions for these properties:

CODE ENFORCEMENT SUMMARY				
ADDRESS	VIOLATION	ENFORCEMENT	OWNER APPEAL	ABATEMENT
1435 9th Street Two-family dwelling	blight & fire damage	violation notices & Substandard	owner, G. Freeman, did not file appeal 2009 Substandard	fees & penalties lien for securing & cleaning in 2004/07, blight notices in 2003/4/6/7/9/10, and Substandard
1632 7th Street vacant hotel	habitability & blight	violation notice & Substandard	owner, J. Williams, 1968 appeal denied by the former Housing Advisory and Appeals Board	fees lien for 2002 blight notice
1620/1626 7th Street commercial buildings	fire damage	Imminent Hazard	owner, L. Williams, 2003 appeal denied by Hearing Examiner Temporary Restraining Order denied	fees & penalties lien for Substandard & demolition
2230 23rd Avenue multi-family dwelling	habitability & unpermitted work	violation notice & Substandard	owner, S. Fields, 2009 appeal denied by Hearing Examiner	fees & penalties lien for Substandard
547 33rd Street multi-family dwelling	unpermitted work	violation notice	owner, A. Vincent, 2010 appeal denied by staff owner obtained permits & filed litigation	litigation settled out-of-court (owner paid \$5,000)
541 33rd Street single family dwelling	unpermitted work	violation notices	owner, L. Lawrence, obtained permits	n.a.
2120 35th Avenue single family dwelling	fire damage & blight	violation notice & Substandard	owner, L. Matthis, 1979 Substandard appeal denied by former Housing Advisory and Appeals Board	1980's demolition fees lien for 2006 vacant lot cleaning
3310 Magnolia Street single family dwelling	habitability & unpermitted work	violation notice & Substandard	former owner did not file 2008 Substandard appeal	fees charged to former owner but paid by current owner, O. El Baroudi, were refunded expired permit will be re-instated
2442 Myrtle Street Two-family dwelling	undocumented unit	violation notice & Substandard	owners, G. Martin & M. Cassens, 2009 appeal upheld by Hearing Examiner	n.a.
3335 San Leandro St single family dwelling	undocumented unit	violation notice	owner, Y. Liu, did not file an appeal	owner has applied for CEDA deferred payment loan to restore use as a dwelling
6100 Shattuck Ave single family dwelling	blight	violation notice	owners, A. Croft & R. Brokl, 2011 appeal denied by staff Small Claims Court decision for City	fees now due for second blight notice within 5 months

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Community and Economic Development Committee  
November 29, 2011

Additional information is provided in the Key Issues and Impacts section below.

## **FISCAL IMPACT**

There are no fiscal impacts identified in this report. The prior code enforcement procedures discussed in this report do not change any existing fiscal practices.

## **KEY ISSUES AND IMPACTS**

- **1435 9th Street**

In response to neighborhood complaints about the tire-damaged property for blight, deteriorated building exterior, and trespassers, BSD issued violation notices in 2003, 2004, 2006, 2007, 2009, and 2010, cleaned the yard in 2004 and 2007, secured the uninhabitable two-family dwelling in 2007, and declared the tire-damaged building Substandard in 2009. The owner did not appeal the Substandard action. BSD contacted CEDA Housing staff and outside resources to assist the owner with obtaining funding for repairs. Feedback to BSD was that the owner did not apply for funding. Liens for City and clean-up costs and accruing interest total more than \$42,000. The liens were recently recalled from property taxes, but remain recorded on the property title.

- **1632 7th Street**

Microfilm records indicate that the vacant residential building (historic Arcadia Hotel) was declared Substandard by the former Housing Advisory and Appeals Board in 1968 for deteriorated habitability conditions. In response to neighborhood complaints, BSD issued a blight notice in 2002. BSD liened more than \$1,700 for City costs and accruing interest. The owner tiled a Conditional Use permit in 2004 (parking on adjacent lot) and paid fees for a Compliance Plan in 2011 to convert the hotel to commercial office space. BSD is currently discussing Building Code requirements with the owner for the proposed new use.

- **1620/1626 7th Street**

In response to neighbor complaints of tire-damage, BSD declared the commercial buildings an Imminent Hazard in 2003 (collapsed roof, unstable bearing walls). The outside neutral Hearing Examiner denied the owner's appeal, and the Superior Court denied the owner's Temporary Restraining Order. BSD demolished the building in 2003. Liens for City and clean-up and demolition costs, penalties, and accruing interest total more than \$140,000. The liens were recently recalled from collection with property taxes, but remain recorded on property title. The owner and BSD have discussed developing the vacant lots, but policy direction will be needed for staff to develop options for consideration by the Council for revitalizing distressed properties, including deferring payment and waiving code enforcement liens. The Municipal Code requires that all liens be paid in-full as a condition for issuing permits.

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- **2230 23rd Avenue**

In response to a tenant complaint, BSD issued violation notices in 2005 for habitable conditions (roof leak) and in 2006 for prior building improvements without permits (electrical and plumbing) and subsequently declared the multiple-family dwelling Substandard in 2008 after the permits expired without inspections. The outside neutral Hearing Examiner denied the owner's appeal in 2009. The owner has paid more than \$26,000 for City costs and accruing interest.

- **547 33rd Street**

In response to a neighbor complaint, BSD issued a violation notice in 2007 for prior building improvements without permits (gate, deck repairs, interior repairs). BSD denied the owner's appeal. The owner obtained permits (deck, kitchen plumbing) and tiled litigation. The City settled out-of-court with a \$5,000 payment to the owner. The owner also installed a pump and generator with permits to remove rainwater drainage flowing from adjoining properties into the owner's yard.

- **541 33rd Street**

In response to a neighbor complaint, BSD issued violation notices in 2007 for prior building improvements without permits (accessory building, deck, chimney). The owner obtained permits, and no code enforcement fees were charged. BSD also received a neighbor complaint for rainwater drainage onto an adjoining property, but BSD determined that the complaint was not a Municipal Code violation.

- **2120 35th Avenue**

Microfilm records indicate that a single family dwelling was declared Substandard by the former Housing Advisory and Appeals Board in 1979 for tire-damage. BSD does not have a record of the demolition, which is presumed to have occurred in the 1980's. In response to neighbor complaints, BSD issued blight notices for overgrowth in 2006, 2007, 2009, 2010, and 2011 and cleaned the vacant lot in 2006. Liens for the 2006 clean-up, City costs, and accruing interest total more than \$11,000. The liens were recently recalled from property taxes for collection, but remain recorded on the property title.

- **3310 Magnolia Street**

In response to neighborhood complaints, BSD issued a blight notice in 2005, cleaned and secured the vacant single family dwelling in 2007, and subsequently declared the building Substandard in 2008 for deteriorated habitability conditions and building improvements without permits. The former owner did not appeal. The current owner purchased the property in 2008, paid fees for a

Compliance Plan, and obtained rehabilitation permits, which expired due to funding constraints. BSD recently reviewed the administrative record and refunded code enforcement fees charged to the former owner that the current owner had paid through property taxes. BSD will also re-instate the owner's permits when the owner is ready to re-commence work.

- **2442 Myrtle Street**

In response to a former tenant complaint, BSD issued a violation notice for an undocumented unit in 2009 and subsequently declared the dwelling Substandard in 2009 for work without permits by a prior owner. The Hearing Examiner upheld the owners' appeal in 2011. BSD has closed the code enforcement case.

- **3335 San Leandro Street**

In response to a former tenant complaint, BSD issued a violation notice for undocumented units in 2010. The owner paid fees for a Compliance Plan and has applied to CEDA Housing for a deferred payment loan to restore the single family dwelling to its originally approved use.

- **6100 Shattuck Avenue**

In response to a neighbor complaint, BSD issued a blight notice in 2010 for overgrowth and charged fees for City costs because a prior blight notice for overgrowth had been issued five (5) months before. BSD did not charge fees for the first blight notice. Staff denied the owners' appeal for the second blight notice and provided a standard advisory for tiling in Small Claims Court. A Small Claims Court decision was recently issued in favor of the City, finding that "based upon the evidence provided that the plaintiffs were in violation of Section 8.24.020 in that the overgrowth of vegetation significantly impacted the public right-of-way in front of the property". The owners now owe \$1,279 for City costs related to the second blight notice.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** Abatement of severely damaged buildings and blighted properties improves the economic vitality of neighborhoods and viability of commercial districts by eliminating blight and enhancing the quality of life perceptions of Oakland residents.

**Environmental:** Abatement of severely damaged buildings and blighted properties improves the health of Oakland residents by removing environmental health hazards, including rodent harborages, lead-based paint, toxics, and respiratory pollutants.

**Social Equity:** Code enforcement regulation of the State Housing Law contributes to fair housing practices for low and moderate income renters.

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**DISABILITY AND SENIOR CITIZEN ACCESS**

Code enforcement abatement actions include requiring rehabilitation permits which can necessitate improvements to handicapped accessibility.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the Council accept this report.

Respectfully submitted,



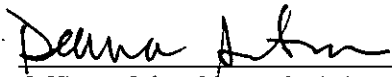
Fred Blackwell, Assistant City Administrator  
Community and Economic Development Agency

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**APPROVED AND FORWARDED  
TO THE COMMUNITY AND  
ECONOMIC DEVELOPMENT COMMITTEE:**

  
Deanna J. Santana  
Office of the City Administrator