



January 12, 2018

NOTICE AND ORDER TO VACATE & REPAIR SUBSTANDARD BUILDING; AND ABATE PUBLIC NUISANCE

VIA REGULAR, CERTIFIED MAIL AND POSTING

Property Owner/Responsible Person:
Address:

William and Linda House
4081 Forney Avenue
San Diego, CA 92117

LEGAL NOTICE AND ORDER of the Code Enforcement Division, Development Services
Department of the City of San Diego regarding:

Property: 4081 Forney Avenue, San Diego, CA 92117

APN: 418-094-02-00

Zone: RS-1-7

You are hereby notified that based on inspections conducted by representatives of the Code Enforcement Division (CED) in September of 2016 and January 5, 2018, the building at the above location is substandard and constitutes a public nuisance pursuant to California Health and Safety Code (H&SC) sections 17920.3, 17980, and 17980.6. The conditions and violations observed at the property are so extensive and of such a nature that the building endangers the life, limb, health, property, safety, or welfare of residents or the public.

The excessive accumulation of waste at the property, including but not limited to household items, trash, junk, and debris constitute a public nuisance as defined by San Diego Municipal Code sections 12.0204(a) and H&SC section 17920.3(c).

The property was developed in 1955 with a Single Family residence consisting of 3 bedrooms, 1 bathroom and attached garage. The property is located within the RS-1-7 zone. No permitted improvements on record.

There are numerous miscellaneous items stored in the interior and exterior of the property. On the exterior of the property there is an accumulation of waste, trash, and debris. There are also vehicles that appear to be inoperable. The junk, trash, and debris inside the garage block access to the required off-street parking spaces. In the interior of the structure the path of travel and exits from the property are blocked with large amounts of miscellaneous items preventing access to the kitchen and bathroom. The ceiling inside the dwelling has collapsed due to water damage. Due to the condition of the dwelling, the property creates a fire hazard for the occupants of the property and to the neighborhood. The property also does not have gas service which makes the property substandard and uninhabitable.

Additionally, there is unpermitted construction throughout the property including: a storage structure made from stacked concrete blocks with its roof attached to the rear of the dwelling; and a make shift tent in the rear yard that each contains one vehicle and additional storage. The property owners live in a recreational vehicle located in the back yard as the dwelling is uninhabitable. The occupants do not have access to bathing or permanent restroom facilities and cook outside with a propane camp stove. Additionally, feral cats were seen on that property.

VIOLATIONS FOUND DURING INSPECTION

Health and Safety Code Violations- there are numerous violations which exist at the property that make it substandard and a public nuisance pursuant to the H&SC. Specifically, H&SC section 17920.3 provides that:

Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building . . .

The conditions which exist at the property and the corresponding H&SC section 17920.3 violated are listed below. Violations of the SDMC and other state laws are listed where applicable.

- **Inadequate sanitation-** Lack of or improper water closed, lavatory, or bathtub or shower in the dwelling unit. The bathroom is not accessible due to the large amount of storage. H&SC section 17920.3(a)(1).
- **Inadequate sanitation-** Lack of improper kitchen sink. The kitchen is not accessible in the main dwelling house. H&SC section 17920.3(a)(3).
- **Inadequate sanitation-** Lack of hot running water to the plumbing fixtures. The gas utilities have been shut off. H&SC section 17920.3(a)(5).
- **Inadequate sanitation-** There is general dilapidation or improper maintenance. There is junk, trash and debris throughout the property. The ceiling inside the dwelling is falling due to water damage as well as the interior drywall. H&SC section 17920.3(a)(14).

- **Accumulation of weeds, vegetation, junk, dead organic matter, garbage, offal, rodent harborages, stagnant water, and combustibles.** There is excessive junk and trash throughout the exterior of the property. H&SC section 17920.3(j).
- **Failure to maintain required off street parking free of storage and obstructions.** The garage is full of storage. SDMC sections 121.0302, 142.0510(a)(b), and 142.1110.
- **Lack of adequate exit facilities.** Due to the junk, trash, and debris located on the exterior and interior of the property egress has been blocked and there is a lack of a clear path of travel inside the dwelling. (H&SC section 17920.3(l)).
- **Public nuisance.** The accumulation of waste at the property in the interior and exterior create a public nuisance. H&SC section 17920.3(c) and SDMC sections 12.0202 and 121.0302(b)(4).
- **Non-permitted construction-** There is unpermitted construction throughout the premises, including but not limited to, a make-shift storage structure made from stacked concrete block walls, a roof attached to the rear of the structure, and a make shift tent in the rear yard. SDMC sections 121.0302(a), 129.0202, and 129.1111.
- **Non-incident storage-**There is a large amount of non-incident storage throughout the exterior of the property that is not incidental to a residential use. SDMC section 142.1110.
- **Occupying a recreational vehicle on private property as a permanent residence.** SDMC section 98.0202.

As the owners of the property, you are hereby ordered to expeditiously have the structure vacated. You must also repair the violations existing at the property and abate the public nuisance conditions pursuant to this Notice and Order.

ORDER TO VACATE

You are hereby notified that the building and premises located at 4081 Forney in the City of San Diego are substandard and a public nuisance. Pursuant to California Health and Safety Code sections 17920.3, 17980, and 17980.6, the Code Enforcement Division is hereby notifying you that all occupants of the residential dwelling and the premises must be **immediately vacated no later than by January, 17, 2018.**

You shall not rent or lease the property to anyone, and you must not occupy the property until the residential unit is made habitable and brought into compliance with all state and local code regulations.

ORDER TO REPAIR

You are hereby ordered to correct all violations by completing the following:

Within 5 calendar days from the date of this Notice and Order, you must establish gas and electrical service to the property.

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Within 15 calendar days from the date of this Notice and Order, you must abate the nuisance and remove all non-incident storage located on the exterior of the property, including but not limited to, all junk, trash, debris. You must remove all storage from the garage and restore the required parking spaces. You must also remove all storage located in the interior of the dwelling that is blocking access to exits, including storage that is blocking access to windows and doors, the kitchen and bathroom. Please contact Combination Building Inspector Jeff Barnes at (619) 533-3957 if you have any questions and to schedule a compliance inspection immediately after this deadline expires.

Within 15 calendar days from the date of this Notice and Order, you must demolish the make-shift tent structure located in the rear yard. All demolition material must also be removed from the property.

Within 21 calendar days from the date of this Notice and Order, you must submit an application and four sets of plans to Combination Building Inspector Jeff Barnes, CED, 1222 First Avenue 5th floor, San Diego, CA 92101, to remove the violations and restore the premises to its last approved configuration, including but not limited to the unpermitted make-shift structure made from stacked concrete block walls and the roof attached to the rear of the structure.

- **Within 5 calendar days after CED approves the plans**, you must submit an application and the plans to the Development Services Department (DSD), 1222 First Avenue, 3rd floor, San Diego, CA 92101 (619) 446-5000 to obtain all required permits to restore the premises to its last approved configuration.
- **Within 90 calendar days after DSD issues all required permits**, you must obtain final inspection and approval.
- If CED or DSD requests corrections or additional documentation, you must submit the items requested **within 7 calendar after any such request**.

ORDER TO REMOVE ALL PUBLIC NUISANCE CONDITIONS

Remove all public nuisance conditions including maintaining the property free of non-incident storage, waste, trash, and debris. Cease maintaining the property free of all public nuisance activity as indicated above.

FRANCHISE TAX BOARD MAY BE NOTIFIED

You are also notified that sections 17274 and 24436.5 of the California Revenue and Taxation Code provide in part that no deduction shall be allowed to a taxpayer for interest, taxes, depreciation, or amortization paid or incurred in the taxable year with respect to substandard housing which is rented for income, if the substandard conditions are not corrected within six (6) months of the date of this Notice and Order. The City will be notifying the Franchise Tax Board of the substandard conditions at your property if applicable.

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REQUIREMENTS IF YOU SELL PROPERTY

Health and Safety Code section 17991(c) requires that if you sell or transfer the property during the period between the issuance of this Notice and Order and the abatement of the violation or any judicial or administrative actions related to the Notice and Order, then you are required to record a "Notice of Conveyance of Substandard Property" with the County Recorder's Office and provide the City of San Diego with the name, address, driver's license or identification number of the new owner(s) within five business days of the sale or transfer of the property.

FAILURE TO COMPLY WITH THIS NOTICE AND ORDER

Additional consequences may result in enforcement actions, including but not limited to administrative abatement, civil penalties, appointment of a receiver pursuant to Health and Safety Code section 17980.7(c), revocation of permits, withholding of future municipal permits, or the filing of a judicial action.

Pursuant to California Health and Safety Code Section 17985(a) a copy of this Notice and Order will be recorded with the County Recorder's Office.

Be advised that there is a re-inspection fee (\$264.00 or \$295.00) to recover costs for additional inspection services in accordance with San Diego Municipal Code section 13.0103. A bill for this service will be mailed to you immediately following the third (3rd) scheduled inspection.

This case has been referred to the Code Enforcement Unit of the City Attorney's Office.

Should you have any questions regarding this Notice and Order, please contact Combination Building Inspector Jeff Barnes at (619) 533-3957, Zoning Investigator Rowdy Sperry at (619) 466-5085, or Interim Chief Gabriela Brannan (619) 533-5655.


Jeff Barnes
Combination Building Inspector


Rowdy Sperry
Zoning Investigator

LP/JB/RS

cc: File

CE# 232939

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