

**SANTA BARBARA COUNTY
AGENDA BOARD LETTER**



Clerk of the Board of Supervisors
Room 407 105 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: **3/24/2003**
Department: **Public Works Department**
Budget Unit: **054**
Agenda Date: **4/8/2003**
Placement: **Administrative**
Estimated Time: **0**
Continued Item: **No**

TO: Board of Supervisors

FROM: Phillip M. Demery
Public Works Department

STAFF: Mark Schleich, Deputy Director, x 3603

CONTACT: Geoffrey Simpson, Code Enforcement Officer, x 5632

SUBJECT: Abatement of a public nuisance at 3872 Crescent Drive, Santa Barbara California. APN 057-041-038, in accordance with Chapter 17 of the Santa Barbara County Code.
2nd Supervisorial District

RECOMMENDATIONS:

That the Board of Supervisors:

- A. On April 8, 2003, receive this report and the Investigation File (IRS# 076 98/99) (attached hereto as Exhibit A):
- B. Set a public hearing on April 15, 2003 to review and consider this report, hear evidence and any objections thereto, and at the conclusion of the hearing:
 1. Determine that pursuant to County Code Chapter 17-66, a public nuisance exists at 3872 Crescent Drive, Santa Barbara, California, APN 057-041-038, and:
 2. Direct the Deputy Director of Public Works, Solid Waste and Utilities Division, to abate the public nuisance pursuant to Chapter 17, Article V of the County Code, and authorize the Deputy Director to retain an independent third party to assist in the removal of the solid waste or litter which constitutes the public nuisance and health and safety hazard.

ALIGNMENT WITH BOARD STRATEGIC PLAN:

The recommendation(s) are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work and Visit.

EXECUTIVE SUMMARY AND DISCUSSION:

On December 5, 1998, Public Works staff received a complaint about a vector infestation and a large accumulation of refuse, solid waste and junk located on a property at 3872 Crescent Drive, Santa Barbara, California. On December 7, 1998, County Public Works and Fire Department staff conducted a site inspection. The alleged violations of Chapter 17, Section 17-9 (Owner or Responsible Party to Maintain Premises Free of Litter and Solid Waste) and 17-66 (Public Nuisance) and the Uniform Fire Code were confirmed. On December 18, 1998, County Public Works staff issued a 30-day correction notice to the property owner of record, Margaret Ann Lawrance, outlining the violations on the property and corrective action that should be taken to bring the property into compliance with the Santa Barbara County Code (see Exhibit A). On January 19, 1999, a re-inspection found no change in the condition of the property. Access to the property and the residence was greatly restricted. The front door was completely blocked by piles of junk and solid waste and the rear stairs were in the need of extensive repairs and in danger of collapsing. A second Correction Notice was issued to the property owner in February 1999 and there was no subsequent change in the condition of the property (see Exhibit B).

On March 13, 2000, a site re-inspection of the property found very little change in the condition of the property. Public Works staff explained to Miss Lawrance the problems associated with the lack of progress with the clearing of the solid waste from the property. Ms. Lawrance was advised of the actions that could be taken by the County to abate the property at her expense. On April 11, 2000, a site inspection showed no change. On April 12, 2000, a third correction notice was issued (see Exhibit A). Public Works staff continued with monthly inspections in the hopes of gaining voluntary compliance. On August 10, 2000, a fourth correction notice was issued (see Exhibit A). In addition to the Correction Notices issued by the Public Works Department, the Fire Department issued three Inspection Reports citing Uniform Fire Code violations in December 2000, May 2001, and May 2002 (see Exhibit A). Very little work has taken place to bring the property into compliance over the past years. County Staff felt that the property owner of record, Miss Margaret Ann Lawrance, is mentally and physically incapable of clearing the property and contacted a Social Worker for Adult Protective Services with the County Social Services Department to assess Miss Lawrance's condition. She has refused all offers of help to assist in bringing the property into compliance with County and Uniform Fire Codes.

Since 1998, County Public Works and Fire Department staff have tried a variety of alternatives to achieve compliance with the County codes but to no avail including issuing Correction Notices, presenting the case to the District Attorneys Office and issuing a Notice of Violation. In February 2003, Miss Lawrence fell from the rear stairs into the rear yard and lay outside over night until a neighbor found her and took her to the hospital. She is at this time in the Buena Vista Care Home, Patterson Avenue. On March 4, 2003, the Santa Barbara County Building & Safety Division deemed the property uninhabitable and posted the property. A copy of the Investigation File # IRS 068 98/99 and copies of photographs are attached as Exhibit A. Staff now recommends your Board hold a public hearing to consider the abatement of the public nuisance in accordance with Chapter 17 of the Santa Barbara County Code.

If at this hearing your Board finds the existence of a public nuisance, your Board is requested to direct the Deputy Director of Public Works, Solid Waste and Utilities Division, to contract with a third party to remove the solid waste and/or litter from the property. The cost of removal will be added to the taxes assessed against the property. If the owner intends to abate this nuisance at her expense it must be done before April 15, 2003, the date of the recommended public hearing.

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MANDATES AND SERVICE LEVELS:

No change in programs or service levels.

FACILITIES AND FISCAL IMPACT:

Estimated cost to abate this nuisance is approximately \$8,000. This cost will be assessed against the property owner Miss Margaret Ann Lawrance property owner of record.

SPECIAL INSTRUCTIONS:

Please forward a copy of the executed documents and Minute Order to Georgia Navarro, Solid Waste and Utilities Division, and Geoffrey Simpson, Code Enforcement Officer, Solid Waste & Utilities Division.

CONCURRENCE:

County Counsel