

NOTICE AND ORDER TO VACATE AND REPAIR OR DEMOLISH

[Uniform Code of Abatement of Dangerous Buildings; California Health and Safety Code sections 17920.3 and 17980.6]

Served via Certified and 1st Class Regular Mail and Posted at 111 Espee Avenue

MAILED TO: **Property Owner:** Michael W. Malin
 111 Espee Ave.
 Richmond, CA. 94801-3652

Trustee/Deed of Trust/Lien Holder(s): None Found

TO THE OWNERS, THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING A LEGAL OR BENEFICIAL INTEREST IN THE BELOW DESCRIBED PROPERTY LOCATED IN THE CITY OF RICHMOND:

PROPERTY ADDRESS: **111 Espee Ave. Richmond, CA.**

ASSESSOR'S PARCEL NUMBER: **540-190-007- 0**

LEGAL DESCRIPTION: **City of Richmond Blk 90 & Tr Adj**

Conditions found at the above property have been determined by the Building Official for the City of Richmond to be substandard and constitute a Dangerous Building pursuant to the California Code of Regulations, the Uniform Code for the Abatement of Dangerous Buildings (UCADB), and the Richmond Municipal Code (RMC) adopting the California Building Code (CBC), California Electrical Code (CEC), California Plumbing Code (CPC), and California Fire Code (CFC), State Housing Code (Health and Safety Code sections 17920.3 *et seq.* and 17980.6) and such conditions have been declared a Public Nuisance per se under Richmond Municipal Code Sections 6.38 *et seq.* and 9.22.090 *et seq.*

IMPORTANT NOTE TO OWNER(S)

You are hereby ordered to immediately VACATE, SECURE and REPAIR or DEMOLISH the structure due to the immediate threat to the health and safety of the public created by the dangerous and substandard conditions present in the structure.

CONDITIONS

Attachment A of this Notice lists the conditions and violations found at the above address.
All structures are subject to re-inspection to confirm conformance.

DETERMINATION

Due to the conditions described in Attachment A of this Notice, the Building has been determined by the City of Richmond Building Official to be Substandard and Dangerous pursuant to the Health and Safety Code section 17980, and shall be vacated immediately and repair by the date specified in Attachment A.

THE BUILDING OFFICIAL HEREBY ORDERS

VACATE IMMEDIATELY

You are hereby ordered to vacate and secure the building IMMEDIATELY.

***NOTE: Building was vacated at the time of 12/16/2016 inspection and shall remain that way until all repairs have been completed as outlined in Attachment A of this document.**

In compliance with section 404 of the UCADB, a notice stating the following may be posted (if necessary) on the subject building: **"DO NOT ENTER, UNSAFE TO OCCUPY, IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING, OR TO REMOVE OR DEFACE THIS NOTICE."** [UCADB §§ 404.1 and 404.2]

Occupying or entering the building or any portions thereof **will** result in the arrest of the occupant(s) for a misdemeanor violation pursuant to RMC 6.10.020 (UCADB 404.2).

REPAIR

The substandard conditions listed in Attachment A of this Notice require all violations to be corrected. Work shall commence on the date(s) specified in Attachment A and shall be completed by the date(s) and time(s) specified in Attachment A. All required Permits shall be secured prior to commencing work.

Re-inspection to verify commencement and completion of repairs or demolition has been scheduled by the City of Richmond. Refer to Attachment A for the date and time.

NONCOMPLIANCE WARNING

If required actions are not taken in a diligent and continuous manner and/or completed within the time specified, the Building Official:

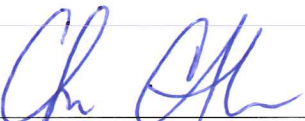
1. Will charge any cost in causing demolition, repair, rehabilitation, board up, or vacation against the property and or its owner. If any required work or action is not commenced within the time specified the Building Official may proceed under court order to cause the work to be done and charge the costs thereof against the property or its owner.
2. May proceed to cause the work to be completed and bill the owner for the cost, including all associated administrative costs associated with the abatement, including reasonable attorneys' fees and costs pursuant to Governmental Code Section 38773.5 and RMC Section 1.04.110
3. May issue Administrative Citations. Fines range from \$250 to \$10,000 per violation, per day.
4. May take whatever action as provided by law to cause compliance with this order, including criminal and civil actions and petitioning the Court for appointment of a receiver to take control of the property.

RIGHT OF APPEAL

You or any person or persons having any record title or legal interest in this building may appeal this Notice and Order to the Richmond Board of Appeals provided such appeal is made in writing and filed with the Building Official within ten (10) days from the date of service of this Notice and Order of the Building Official. The substandard and dangerous structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter. Richmond's Building Official is located Richmond City Hall, 450 Civic Center Plaza, Richmond, CA, 94804.

The format of your Appeal must comply with the appeal requirements of Chapter 5 of the Uniform Code of Abatement of Dangerous Buildings, including verification under penalty of perjury. A copy of Chapter 5 is enclosed for your reference.

NOTE: Filing an Appeal does NOT stay the requirement and Order that the dangerous and substandard structure be **vacated** by the date and time demanded herein and that it remain vacated until such time as a certificate of occupancy is issued and or the Building Official determines the violations and dangerous conditions have been abated with proper permits.



CHRIS CASTANCHOA, Building Official
City of Richmond
450 Civic Center Plaza, Richmond, CA 94804

Date 12/21/16

WARNING – REVENUE AND TAXATION CODE

Section 24436.5 of the Revenue and Taxation Code provide, inter alia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with health, safety, or building, cannot deduct from state personal income tax or bank and corporate income tax, interest, depreciation, or taxes attributable to such substandard structure where the conditions are not corrected within the legally described time after notice of violation by the regulatory agency.

If correction work is not completed or being diligently performed within the legally prescribed time, notice will be sent to the Franchise Tax Board as provided by Law.

WARNING – EFFECTIVE SERVICE

Failure of the owner(s), their successors and or other persons having an interest in the property to receive a copy of this notice through certified mail shall not relieve them of their responsibility to comply as ordered and within the time specified. The date of service of this notice is effective as of the date of mailing.

PERMITS

Although building permits generally expire 180 days from the date of issuance, you are still required to meet all compliance deadlines indicated in this order.

NOTICE TO TENANTS

In compliance with Health and Safety Code 17975.8 tenants are hereby notified that they may be entitled to relocation benefits from the landlord/property owner. (H&S 17975 -17975.10)

It is the tenant's responsibility to seek a determination as to eligibility for relocation benefits.

Attachment A

December 21, 2016

All violations shall be abated on or before dates and times indicated below:

NO.	DESCRIPTION	Compliance Deadline
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VIOLATIONS:

1. VIOLATION: Dangerous Building. Uniform Code for Abatement of Dangerous Buildings [UCADB] including, but not limited to:

- A. **Unsafe Structure [UCADB 302(1)]:** Several units have been constructed within the structure without required permits and do not provide safe and adequate means of exit in case of fire or panic.
- B. **Unsafe Structure [UCADB 302(9)]:** Several units within the structure, masonry structure @ west side of building, rooftop sheds and rooftop “patio” covers have all been constructed and at least one wall in warehouse area was removed without required permits. Construction is substandard and therefore areas are unsafe for the purpose for which they are being used.
- C. **Maintained in violation of state and local codes [UCADB 302(13)]:** The structure’s condition indicates it is not being properly maintained in violation of section 17920.3 of the Health and Safety Code, the California Code of Regulations, Title 24, and Richmond Municipal Code (“RMC”) section 9.22.090.(2)(A).
- D. **Public Nuisance [UCADB 302(17)]:** The structure’s condition constitutes a public nuisance.

2. VIOLATION: California Building Code (“CBC”), including, but not limited to:

- A. **Work without Permits [CBC (A) 105.1]:** Several units within the structure, masonry structure at west side of building, rooftop sheds and rooftop “patio” covers have been constructed and at least one wall in warehouse area was removed without required permits.
- B. **Non-compliant stairways [CBC 1009.7.4]:** Several stairways have been constructed without required dimensional uniformity of risers and treads.
- C. **Non-compliant stairways [CBC 1012 & CBC 1013]:** Several stairways are not equipped with required handrails and guardrails.
- D. **Emergency Escape Openings [CBC 1029.4]:** Security bars shall be releasable/removable from the inside without use of a key, tool or special knowledge or effort and shall be maintained free of any obstructions.

REQUIRED ABATEMENT ACTIONS

COMPLIANCE DATE AND TIME

- E. **Lack of Required Temperature Control [CBC 1204.1]:** Utilities (Gas and Electric) serving the building have been disconnected by utility and leave the building without required temperature control.
- F. **Lack of Required Lighting [CBC 1205]:** Electrical service to building has been disconnected by utility, leaving the building without the minimum lighting required (general and emergency egress lighting).
3. **VIOLATION: California Electrical Code (“CEC”)**, including, but not limited to:
- A. **Work without Permits [CEC 89.108.4]:** An improvised solar & battery system has been installed without required permits.
- B. **Exposed conductors [CEC 300.4]:** Electrical raceways and boxes in many areas have been opened or have been otherwise modified leaving conductors exposed, unprotected and subject to physical damage.
- C. **Missing Electrical Box Covers [CEC 314.28(C)]:** Many electrical boxes have had required covers removed leaving conductors exposed and unprotected.
- D. **Substandard Wiring [CEC 400.8(1)]:** Flexible (extension) cords and cables shall not be used as a substitute for the fixed wiring of a structure.
4. **VIOLATION: California Plumbing Code (“CPC”)**, including, but not limited to:
- A. **Non-compliant Disposal of Liquid Waste [CPC 303.1]:** Sink in warehouse area is not connected to the plumbing drainage system.
- B. **Substandard Plumbing [CPC 304.1]:** Sink in warehouse area is not connected to the plumbing drainage system. Kitchen sink is not connected in an approved manner.
- C. **Fixtures Joints [CPC 402.2]:** Toilets are not properly secured to floor and watertight.
- D. **Securing Fixtures [CPC 402.3]:** Floor mounted fixtures are not rigidly secured to the drainage connection and to the floor.
- E. **Water Heater Vent [CPC 509.0]:** Water heater is not vented in compliance with the provisions of CPC 509.0

5. VIOLATION: California Fire Code (“CFC”), including, but not limited to:

- A. **Signage [CFC 303.6]:** Fire Inspector requires compliant warning signs to identify “Caution hot work in progress stay clear” at a location where cutting and welding take place.
- B. **Combustible Clearances [CFC 305.1]:** Provide clearance between ignition sources and combustibles. Cigarette ashes found inside first floor area.
- C. **Smoking is Prohibited [CFC 310.2]:** Smoking is prohibited where flammable/combustible materials are stored first floor area. Cigarette ashes found inside first floor area.
- D. **Ceiling Clearance [CFC 315.3.1]:** Required Ceiling Clearance: 2ft non-sprinklered areas /18 inches for sprinklered areas.
- E. **Storage of Combustibles [CFC 315.3]:** Do not store combustibles in boiler, mechanical or electrical rooms (area near electrical junction box on first floor under stairs).
- F. **Address Numbers [CFC 505.1]:** Provide address numbers shall be a minimum of 4 inches in height with 0.5 brush stroke.
- G. **Knox Box [CFC 506.1]:** Where access to/within a structure is restricted, fire department can require a key Knox Box. Provide required Knox Box.
- H. **Abatement of Electrical Hazards [CFC605.1]:** Electrical hazards shall be abated. Electrical wiring, devices, appliances and other equipment that are modified or damaged and constitute an electrical shock or fire hazard shall not be used.
- I. **Power Tap Design [CFC 605.4.1]:** Relocatable power taps shall be of the polarized or grounded type, and shall be listed in accordance with UL 1363
- J. **Power Tap Supply [CFC 605.4.2]:** Relocatable power taps shall be directly connected to a permanently installed receptacle.
- K. **Power Tap Installation [CFC 605.4.3]:** Relocatable power tap cords shall not extend through walls, ceilings, floors, under doors or floor coverings, or be subject to environmental or physical damage.
- L. **Electrical Service Clearance [CFC 605.3]:** Provide required clear space of 30”W, 36”D & 78”H at front of electrical service and interior electrical panels.
- M. **Electrical Service Clearance [CFC 605.3.1]:** Provide required labeling of electrical service equipment.

REQUIRED ABATEMENT ACTIONS	COMPLIANCE DATE AND TIME
N. Flexible Cord Wiring [CFC 605.5]: Extension/flexible cords shall not be used as a substitute for permanent wiring.	
O. Flexible Cord Power Supply [CFC 605.5.1]: Extension/flexible cords shall be plugged into an approved receptacle and, except for approved multi-plug extension cords, shall serve only one appliance.	
P. Unapproved Conditions [CFC 605.6]: Open junction boxes and open wiring splices are prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.	
Q. Temporary Wiring [CFC 605.9]: Temporary wiring for electrical power and lighting installations shall not exceed 90 days.	
R. Temporary Wiring Attachment to Structures [CFC 605.9.1]: Temporary wiring shall be attached to the structure in an approved manner.	
S. Portable Space Heater Power Supply [CFC 605.10.2]: Where portable space heaters are allowed, they must be plugged directly into an approved receptacle.	
T. Interior finish requirements based on occupancy [CFC 803.3]: Interior wall and ceiling finishes shall have a flame spread index not greater than that specified in CFC Table 803.3 for the group and location designated.	
U. Fire Extinguishers [CFC 906.3]: Fire extinguishers with a minimum rating 2A:10:B:C are required at second floor apartment area.	
V. Exit Signs Illuminated [CFC 1008.3]: Exit signs shall be internally or externally illuminated by approved wiring methods. Power supply for means of egress illumination shall be provided by the premises electrical supply.	
W. Occupant Load & Multiple occupancies [CFC 1004.6 & CFC 1005.1]: Occupant load for the business location needs to be established based on the use. Depending on the approved use there may be additional code requirements to be met once the occupant load has been determined.	
X. Emergency Escape Openings [CFC 1030.7]: Security bars shall be releasable/removable from the inside without use of a key or tool and shall be maintained free of any obstructions.	
Y. Compressed Gas Containers [CFC 5305.5]: Compressed gas containers shall be secured (CFC section 5003.2.8) and marked (CFC section 5303.4).	

6. VIOLATION: Substandard Structure. Health and Safety Code (“H&S”), also known as the State Housing Code, including but not limited to:

- A. **Improper Kitchen Sink [H&S 17920.3(a)(3)]:** Kitchen sink and related drain piping are not installed properly.
- B. **Lack of Hot Water [H&S 17920.3(a)(5)]:** Utilities (Gas and Electric) serving the building have been disconnected by utility and leave the building without required hot water.
- C. **Lack of required heating [H&S 17920.3(a)(6)]:** Utilities (Gas and Electric) serving the building have been disconnected by utility and leave the building without required and compliant heating.
- D. **Lack of required electrical lighting [H&S 17920.3(a)(10)]:** Electrical service to building has been disconnected by utility, leaving the building without required and complaint electrical lighting

7. VIOLATION: Zoning Violations. Richmond Municipal Code (“RMC”) Article XV, Zoning and Subdivision Regulations, also known as the Zoning Ordinance, including but not limited to:

- A. **Table 15.04.201.020 Land Use Regulations –Residential Districts:** Establishment of Uses that require a Conditional Use Permit, specifically Group Residential, Community Assembly, and Artist’s Studio (Studio-Heavy) uses.
- B. **Table 15.04.201.020 Land Use Regulations –Residential Districts:** Establishment of uses not allowed in RM2 Zoning District, specifically Commercial Entertainment and Recreation.
- C. **Section 15.04.610.400 Storage Containers:** Placement of Storage Containers without Temporary Use Permit.

8. VIOLATION: Code Enforcement Violations. Richmond Municipal Code (“RMC”), including but not limited to:

- A. **Business License RMC 7.04.030:** Failure to possess a valid Business License as required to operate and conduct a business.
- B. **Accumulation of Personal Items RMC 9.22.090(3)(A):** Accumulation or storage of miscellaneous building materials, personal belongings, debris and trash in public view.

REQUIRED ABATEMENT ACTIONS	COMPLIANCE DATE AND TIME
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C. **Vegetation Overgrowth RMC 9.22.090(3)(C):** Overgrown weeds, bushes and other vegetation along Chanslor Ave. and Espee Ave.

CORRECTIONS REQUIRED:

(1) Submit in writing to the Richmond Building Official your election to **either repair or demolish** the structure **on or before**.....01-24-2017 by 1:00 p.m.

(A) If you elect to repair the structure you must obtain all required approvals and technical permits required to make repairs and abate all violations listed herein to bring the structure into compliance with the California Building, Housing, Mechanical, Plumbing, Fire and Electrical Codes, Richmond Municipal Code and the Uniform Code for the Abatement of Dangerous Buildings, on or before the following dates:

(1) Obtain required permits.....02-24-2017 by 1:00 p.m.

(2) Commence required work necessary to abate all violations as authorized by permits.....03-24-2017 by 1:00 p.m.

(3) Have all work completed, inspected by City Building Inspectors and all permits finalized07-24-2017 by 1:00 p.m.

(B) If you elect to demolish the structure: Apply for and obtain all necessary regulatory approvals and obtain a demolition permit on or before the following dates:

(1) Obtain required approvals and permit.....02-24-2017 by 1:00 p.m.

(2) Commence demolition02-27-2017 by 1:00 p.m.

(3) Have demolition work completed, inspected by City Building Inspectors and all permit finalized03-27-2017 by 1:00 p.m.

Chapter 5 APPEAL

SECTION 501 — GENERAL

501.1 Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:

1. A heading in the words: "Before the board of appeals of the of"
2. A caption reading: "Appeal of,," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the board of appeals.

501.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

SECTION 502 — EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SECTION 503 — SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

SECTION 504 — STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.