



March 6, 2013

Laura Baker
7252 Willow Creek Circle
Vallejo, CA 94591-3829; and

5055 Business Center Dr. # 108
The UPS Store
Fairfield, CA 94534-1668

**NOTICE OF VIOLATION AND DEMAND TO ABATE RE YOUR PROPERTY
AT 22 CARLSON BLVD, [AKA 2533 OHIO AVE.] RICHMOND, CALIFORNIA
[A.P.N 513-021-024-7] AND NOTICE OF SCHEDULED COMPLIANCE
INSPECTION**

Dear Ms. Baker:

This notice is being sent to you as the legal owner of the above property as indicated in the Contra Costa County Tax Assessor's and County Recorder's property records. It appears the property address is also commonly known as 2533 Ohio Avenue, but the legal address remains 22 Carlson Boulevard.

The matter was referred to the City Attorney's Office following an investigation of complaints regarding the blighted and illegal conditions on the Subject Property that are in violation of the Richmond Municipal Code ("RMC"). Those illegal conditions and violations include, but are not limited to, the following:

1. Maintaining, permitting or allowing the non-permitted accumulation, parking and outdoor storage of multiple wrecked, dismantled and inoperable vehicles (including trucks, cars, motorcycles, boats, and forklifts) and parts thereof (tires, dismantled car chassis, etc.); Keeping, outdoor storage, accumulation on the premises of wrecked, dismantled and inoperable vehicles, vehicle parts or equipment, scrap metal, discarded appliances, discarded furniture, discarded electronic waste (computer monitors, etc.), discarded tanks and metal cylinders, wood, junk, containers, solid waste, rubbish and debris within public view and constituting visual blight. [(RMC §11.76.030(a) and RMC §9.020.090(3)(A)];

2. Maintaining, permitting or allowing property as a declared public nuisance per se due to blighted and unsightly conditions detrimental to the health, safety or welfare of the public {RMC §9.22.090(1)(A)};

3. Maintaining, permitting or allowing a non-permitted use on a property in violation of Chapter 15 of the City's Zoning Code, a declared public nuisance per se. [RMC §9.22.090(1)(D)]. The Subject Property is zoned C-2, general commercial district and is currently being used as a junk yard/salvage yard, as such terms are defined in the RMC. [RMC §15.04.220.020] There has not been a valid business license issued for any business or commercial use at the Subject Property (at the 22 Carlson address) since at least December 2009 or for the "alternate" (2533 Ohio Ave.) address since December 2010. A business license, **paying for 2011, 2012 and 2013, was just obtained February 13, 2013, for an "auto repair business" by the former defendant business owner/operator, Courtland Booze, but due to the abandonment of the business in all of 2011 and 2012 (no business of any type was licensed to operate at your property), any legal non-conforming status was lost and all uses must now comply with those uses permitted in a C-2 district. Auto Repair is NOT a permitted use in a C-2 zoning district;**

4. Maintaining, permitting or allowing overgrown, dead or decayed weeds and other vegetation that poses a risk or harm to the public and/or constitutes visual blight or reduces the aesthetic appearance of the neighborhood and is offensive to the senses and is detrimental to the use and enjoyment of nearby properties or reduces nearby property values; constitutes fire hazard; (RMC §9.22.030(3)(c), CA Fire Code]

5. Maintaining, permitting or allowing premises on which conditions exist that are likely to harbor rats, vermin or other pests. [RMC §9.22.090(3)(I);

6. Maintaining, permitting or allowing non-permitted parking or storage of motor vehicles, trailers, boats and other mobile equipment in an area not designated as a parking space on an approved site plan (including vehicles parked and stored on unprotected dirt ground and not on approved parking pad to prevent ground water and/or soil contamination); [RMC §9.22.090(5)(B)];

7. Maintaining, permitting or allowing deteriorated accessory buildings (including broken windows and graffiti) and accessory structures that are not limited to uses clearly incidental to the permitted primary use of the Subject Property. [RMC § 9.22.090(1)(A)' §9.22.090(1)(G)(2)(B); RMC §15.04.220.030];

8. Maintaining, permitting and allowing illegal barb wire fencing along public streets (Ohio and Carlson). [RMC §11.88.020]; and

9. Maintaining, permitting and allowing metal fence in disrepair, including rust, multiple holes and other damage. [RMC §15.04.820.013(D)].

THE CITY HEREBY MAKES DEMAND THAT YOU ABATE ALL VIOLATIONS AND PUBLIC NUISANCES ON YOUR PROPERTY IN THE FOLLOWING MANNER AND BY THE STATED DEADLINES FOR COMPLIANCE:

1) **Outdoor Storage of Inoperable/Wrecked Vehicle, Dismantled Parts, Junk, Scrap Debris, etc.-** Remove all inoperable, wrecked, dismantled, unregistered vehicles, vehicle parts, equipment, boats, trailers scrap metal, electronic waste, discarded appliances, wood, junk, containers, storage tanks (possibly petroleum product storage), metal cylinders, furniture, PVC pipe, building materials, trash, rubbish, garbage and debris not stored inside an enclosed structure on or before **1:00 p.m., MARCH 21, 2013;**

- 2) **Non-permitted Uses.- Immediately cease and desist** from all uses of the Subject Property, that are not specifically permitted in RMC 15.04.020, including the non-permitted use as a junk yard, scrap yard, dismantler, vehicle salvage, auto repair or vehicle storage or outdoor storage or any other use not specifically permitted in a C-2 zoning district.
- 3) **Non-permitted Parking.-** Remove all vehicles, trailers, boats and other mobile equipment parked on unapproved surfaces, dirt or in any areas not designated as parking spaces on or before **1:00 pm. MARCH 21, 2013.**
- 4) **Accessory Structures Not Clearly Incidental to a Lawful Primary Use of the Subject Property.-** Since there is currently no legally permitted primary use of the Subject Property none of the accessory structures meet the required criteria of being clearly incidental to such primary use (since none exists) and therefore are not permitted on the Subject Property. **On or before 1:00 pm on MARCH 21, 2013** submit a written plan to Kieron Slaughter in the Planning Department regarding the proposed use of the Subject Property that is in conformity with the requirements and permitted uses of a C-2 zoning district and include a description of how the accessory structures, including the trailer, is incidental to such permitted use.
- 5) **Overgrown, Dead, Decayed Weeds and Vegetation.-** Remove all overgrown or dead or decayed weeds and vegetation on or before **1:00 p.m. MARCH 21, 2013.**
- 6) **Non-Permitted Barb Wire-** Remove all barbed wiring fencing along Carlson Boulevard and Ohio Street on or before **1:00 p.m. on MARCH 21, 2013.**
- 7) **Unmaintained Fence-** Fencing shall be continually maintained and there shall not be any signs of disrepair. Treat fence to maintain its finish in a rust-free condition and repair all holes and damage on or before **1:00 p.m. MARCH 21, 2013.**

Failure to abate the violations and public nuisances as described above will result in the City Attorney's Office instituting legal action to compel your compliance. Violations of the RMC are criminal misdemeanors, and in addition are subject to civil court proceedings for injunctive relief, placing the property in receivership, Administrative Citations and/or obtaining an abatement warrant, or any combination of the above.

As you are no doubt aware, in 1994 the City of Richmond filed a lawsuit regarding the numerous violations and blighted conditions on the Subject Property. On October 18, 1995, the property owner, defendant, Kevin Booze and the business owner/operator defendant, Courtland Booze, were both placed under a Permanent Injunction that enjoined the previous owner and business owner/operator from maintaining the Subject Property in the same illegal conditions that are present today. Those prohibited conditions were present when you took title of the Subject Property on February 22, 1996. In fact, you prepared the Quit Claim Deed for Kevin Baker and part of your written sales agreement was that you agreed as follows:

"6) I hereby assume responsibility and relieve you of all costs or liability with regards to the City of Richmond issues."

Part of the Court's order specifically held that the conditions on the Subject Property constituted a public nuisance and were in violation of the City's Zoning Code, and the use and non-permitted outdoor storage of dismantled vehicles, vehicle parts or inoperable or wrecked vehicles was not permitted in that particular zoning area (which was M-2 at the time). **The injunction prohibits all outdoor storage of such vehicles or vehicle parts, scrap metal, etc. and ordered the removal of all motor vehicles, motor vehicle parts, whether operable or inoperable, ordered the removal of all other abandoned, wrecked and inoperable vehicles, all scrap metal, wood, building materials, rubbish and debris and other "junk" not stored in an enclosed building.** The defendants appealed the injunction but the Appellate Court's 1997 ruling upheld the lower court's injunction in its entirety, holding that the evidence in the case "overwhelmingly supports the judgment".

I provide you with this background because if you fail to abate the long-standing violations and blighted conditions as demanded herein, a virtually identical complaint for injunctive relief may be filed and the prior injunction and holding, based on essentially the conditions, violations and RMC codes, will be submitted as evidence since the court has already upheld the validity of same RMC statutes and violations that are still present on your property. Also it is clear, based on the most recent business license and other overwhelming evidence, that your tenant is maintaining the property in violation and contempt of the court order.

I hope you take this opportunity to voluntarily correct the violations without the need for the City to resort to legal action to compel your compliance.¹ If you have any questions regarding the steps you are required to take to comply with the RMC and abate the violations on your property, you may call Tim Higare, Code Enforcement Manager at (510) 620-6508 or Kieron Slaughter, Associate Planner, at (510) 620-6887 to discuss it in greater detail.

SCHEDULED INSPECTION:

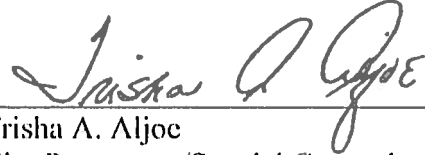
To confirm you have begun abatement actions and substantial compliance with this Notice and Demand, the City has scheduled a compliance inspection for MARCH 18, 2013 AT 1:00 P.M. You, or a representative, will need to be present to permit full access to the premises and structures. You have cancelled the last two inspections the City scheduled; therefore this inspection will need to go forward at the above date and time. Your business tenant will also need to be present to permit entry into the structures he occupies or give you permission to allow the inspection and provide access to the structures. Those structures include the large Quonset hut, the trailer, the building on the corner of Ohio and Carlson that fronts Carlson, and the various sheds and other accessory structures. I have copied Mr. Booze on this letter to advise him of the date of the scheduled inspection.

The Business License unit has also been advised that the correct legal address of the business is 22 Carlson, not 2533 Ohio, so that the business license information can be corrected to reflect the proper information.

¹ Also, you will be receiving a similar Notice and Demand letter for your property located at Hoffman and 8th Street that is being maintained in almost identical unlawful conditions as 22 Carlson, and for the breach of the Agreement you entered into with the City regarding citation payments and abating the extensive violations there.

Thank you in advance for your cooperation and voluntary compliance in promptly abating the numerous violations and substandard conditions on your property. We look forward to working with you to resolve this matter as soon as possible.

Sincerely,



Trisha A. Aljoe
City Prosecutor/Special Counsel
Richmond City Attorney's
Office/Richmond Police Dept.

Cc: Bruce Goodmiller, City Attorney
Chris Magnus, Chief of Police
Richard Mitchell, Planning and Building Director
Tim Higare, Code Enforcement Manager
Kieron Slaughter, Associate Planner
Veretta Edwards, Business License Technician, Finance
Courtland Booze, 3302 Nevin Avenue, Richmond, CA 94805-