



GRASS VALLEY

Special City Council Meeting

Tuesday, May 14, 2024 at 4:30 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

AGENDA

Any person with a disability who requires accommodations to participate in this meeting should telephone the City Clerk's office at (530)274-4390, at least 48 hours prior to the meeting to make a request for a disability related modification or accommodation.

MEETING NOTICE

This meeting is being broadcast "live" on Comcast Channel 17 by Nevada County Media, on the internet at www.cityofgrassvalley.com, or on the City of Grass Valley YouTube channel at <https://www.youtube.com/channel/UCdAaL-uwDN8iTz8bI7SCuPQ>.

Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Council will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.

Agenda materials, staff reports, and background information related to regular agenda items are available on the City's website: www.cityofgrassvalley.com. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Grass Valley website at www.cityofgrassvalley.com, subject to City staff's ability to post the documents before the meeting.

Please note, individuals who disrupt, disturb, impede, or render infeasible the orderly conduct of a meeting will receive one warning that, if they do not cease such behavior, they may be removed from the meeting. The chair has authority to order individuals removed if they do not cease their disruptive behavior following this warning. No warning is required before an individual is removed if that individual engages in a use of force or makes a true threat of force. (Gov. Code, § 54957.95.)

Council Chambers are wheelchair accessible and listening devices are available. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting by calling (530) 274-4390, we are happy to accommodate.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC HEARING

1. Appeal of the Building Official’s decision to red-tag two properties in the Central Business District (C-2) Zone, located at 2301 & 2307 Nevada City Highway (APN:035-610-009 & 035-610-010).

CEQA: Not a project.

Recommendation: Based upon the evidence in the public record, staff recommends that the City Council deny the appeal and uphold the Building Official’s decision to red-tag 2301 & 2307 Nevada City Hwy due to Grass Valley Municipal Code and International Property Maintenance Code Violations.

ADJOURN

POSTING NOTICE

This is to certify that the above notice of a Special meeting of The City Council, scheduled for Tuesday, May 14, 2024 at 4:30 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Thursday, May 9, 2024.

Taylor Day, City Clerk



City of Grass Valley City Council Agenda Action Sheet

Title: Appeal of the Building Official’s decision to red-tag two properties in the Central Business District (C-2) Zone, located at 2301 & 2307 Nevada City Highway (APN:035-610-009 & 035-610-010).

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Recommendation: Based upon the evidence in the public record, staff recommends that the City Council deny the appeal and uphold the Building Official’s decision to red-tag 2301 & 2307 Nevada City Hwy due to Grass Valley Municipal Code and International Property Maintenance Code Violations.

Prepared by: Jon May, Building Official

Council Meeting Date: May 14, 2024

Date Prepared: May 7, 2024

Agenda: Public Hearing

Background Information: On April 16, 2024, the Grass Valley Building Department conducted a site visit with the Grass Valley Police Department. During the visit, several violations to the Grass Valley Municipal Code and the International Property Maintenance Code were observed. These violations are described in detail in Attachments 1 & 2. Amongst these violations, the City determined that subjects were occupying multiple unpermitted structures on the property. Additionally, due to downed power lines located laying in standing water in the backyard of 2301 Nevada City Hwy, PG&E responded and pulled power from the property as a safety measure. Both properties are currently still without power.

On May 1, 2024, Staff received an appeal challenging the Building Official’s decision to red-tag two properties on Nevada City Highway. The appeal was timely filed within the 15-day appeal period following the Building Official’s decision.

Appeal Description: The appeal states “I don’t agree with the red tags and/or the order for myself or any of my roommates to vacate the property”.

Staff response to challenge: A Notice of Violation was both mailed to all responsible parties and physically posted on April 16, 2024. In this notice, the City requested that the responsible parties abate the hazardous conditions no later than May 1, 2024, by taking the following action: 1. Immediately cease occupation of all structures on the property and 2. Obtain permits to remedy all violations outlined above. If unable to address all items in the allotted time frame, provide a detailed plan outlining how each violation will be addressed including a timeline. As of May 7, 2024, no efforts to abate the hazardous conditions have been made. On April 22, 2024, at approximately 1:40AM

a large structure fire occurred at 2307 Nevada City Hwy. Upon arrival, crews found an 800 square foot storage unit fully involved. Nevada County Environmental Health has deemed the fire debris to be hazardous waste and no cleanup has occurred. Due to the lack of progress on this property, the Building Department upholds their decision to condemn these properties as they are a public safety concern.

Council Goals/Objectives: A City Council decision on an appeal of a Building Official's decision supports the 2022 Strategic Plan Update Goal of Community Safety.

Fiscal Impact: None

Funds Available: Not applicable

Account #: N/A

Reviewed by: City Manager

Attachments:

- 1) 2301 Nevada City Hwy-Notice of Violation dated April 17, 2024
- 2) 2307 Nevada City Hwy-Notice of Violation dated April 17, 2024
- 3) Appeal Form
- 4) Site Photos



CITY OF GRASS VALLEY

125 East Main Street
Grass Valley, CA 95945

Item # 1.

Community Development
Department
(530) 274-4340

NOTICE OF VIOLATION/ ORDER TO ABATE

BY U.S. MAIL – FIRST-CLASS/POSTAGE PREPAID
PHYSICALLY POSTED ON PROPERTY IDENTIFIED BELOW

April 17, 2024

Pendola Enterprises



Brianna Moore and all other occupants
2301 Nevada City Hwy
Grass Valley, CA 95945

*RE: The accumulation of trash/debris, public nuisance, illegal occupation of unpermitted structures on property and unsanitary living conditions at **2307 Nevada City Hwy Grass Valley, California 95945 (APN: 035-610-010).***

Dear Responsible Parties:

This letter shall serve as an official **Notice of Violation** and **Abatement Order** under *Grass Valley Municipal Code Sections 1.14.040 and 1.14.050* and *International Property Maintenance Code Section 111* that violations of the *Grass Valley Municipal Code* and the *International Property Maintenance Code* exist at this address. You are hereby ordered to abate the nuisance as required herein.

Chapter 9.28 of the City of Grass Valley Municipal Code regarding Public Nuisances authorizes the City to abate public nuisances and impose criminal sanctions for maintenance of public nuisances.

On **April 16, 2024**, the following conditions were observed at the above referenced property in violation of the *Grass Valley Municipal Code (GVMC)* and the *International Property Maintenance Code (IPMC)*.

Grass Valley Municipal Code Section 9.28:

1. *Adverse impacts on the aesthetic quality of property, giving the appearance of blighted conditions and a deteriorated environment. – GVMC §9.28.010 (B)(3)*
2. *Conditions which are injurious to the public health, safety and general welfare including, but not limited to, a harborage for rodents and insects, a dangerous attraction for children and potential for fire and health hazards. – GVMC §9.28.010 (B)(4)*
3. *Unpainted, unmaintained and otherwise unprotected buildings, causing deterioration in the form of dry rot, warping, buckling, twisting, bowing, and infestations of various kinds; - GVMC §9.28.040 (B)*
4. *Overgrown vegetation: Likely to harbor rats, vermin and other nuisances; –GVMC §9.28.040 (D)(3)*
5. *Items such as, and similar to the following, and which are stored in yards and visible from public streets and/or other properties: Trash, junk, garbage, debris –GVMC §9.28.040 (G)(1)*
6. *Items such as, and similar to the following, and which are stored in yards and visible from public streets and/or other properties: Inoperative vehicles, vehicles in various states of disrepair, vehicle parts –GVMC §9.28.040 (G)(6)*
7. *Garbage and recycle containers stored in yard areas that are visible from public streets (pursuant to Municipal Code Chapter 8.24) – GVMC §9.28.040 (I)*
8. *Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code Section 3480 – GVMC §9.28.040 (J)*
9. *Property maintained in a state that substantially depreciates the property values and social and economic standards of the city, detracts from the appearance and value of nearby properties and lowers the tax base of the city – GVMC §9.28.040 (L)*

International Property Maintenance Code Section 505:

1. *An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible – IPMC §111.1.1*
2. *A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public – IPMC §111.1.3*
3. *An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law – IPMC §111.1.4*
4. *For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous:*

- i. *Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction related to the requirements for existing buildings.*
 - ii. *The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.*
 - iii. *Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.*
 - iv. *The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.*
 - v. *The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.*
 - vi. *The building or structure is neglected, damaged, dilapidated, unsecure or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral personal, or enables persons to resort to the building or structure for committing a nuisance or unlawful act.*
 - vii. *A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.*
 - viii. *Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.*
5. *Kitchen sinks, lavatories, laundry facilities, bathtubs and showers should be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code – IPCM §505.1*
 6. *The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks – IPCM §505.3*

Description of Condition(s) Creating/Constituting Violations Described Above:

The City of Grass Valley received a complaint regarding an accumulation of trash and debris on the property causing public nuisance. A site visit was conducted, and a letter was sent to the

property owner and occupants on February 27, 2024. A second notice was sent on March 27, 2024. During a site visit with the Grass Valley Police Department on April 16, 2024, multiple violations to the *Grass Valley Municipal Code* and the *International Property Maintenance Code* were confirmed.

You must abate the hazardous conditions no later than *May 1, 2024* by taking the following action:

1. Immediately cease occupation of all structures on the property.
2. Obtain permits to remedy all violations outlined above. If unable to address all items in the allotted time frame, provide a detailed plan outlining how each violation will be addressed including a timeline.

If you fail to abate the public nuisance conditions on your property in the time frames listed above, The City will pursue further enforcement of this matter, including abatement and removal of public nuisance conditions by the City's personnel. (*Grass Valley Municipal Code § 1.14.050 – 1.14.160.*) If the City is forced to directly abate the public nuisance conditions itself, you will be required to pay the costs of such abatement. (*Grass Valley Municipal Code, § 1.14.140.*) Such costs will constitute a lien upon the land until paid and will be collected on the next tax roll upon which real property taxes are collected. (*Grass Valley Municipal Code, § 1.14.160.*)

FINES AND PENALTIES

Nothing in this Notice and Order prevents the City from initiating any other legal or equitable proceeding to obtain compliance with the code, including the issuance of an administrative fines or penalties, or prosecution of a violation as an infraction or misdemeanor. Infractions may be punished by a fine of up to \$100 for a first violation, and up to \$200 for a second violation. A third violation may be charged as a misdemeanor and punished by a fine of up to \$1000. (*Grass Valley Municipal Code, § 1.12.010.*) Each day during any portion of which a nuisance conditions exists or continues may be deemed a separate and distinct violation for purposes of setting the amount of penalty to be imposed. Any penalty imposed will accrue daily from the date the penalty becomes effective until the violation is corrected. (*Grass Valley Municipal Code, § 1.14.070 (B).*)

APPEAL RIGHTS

You may appeal this Notice of Violation and Abatement Order under *Grass Valley Municipal Code section 1.14.090* by obtaining a "Request for Hearing" form from the City Clerk located at *Grass Valley City Hall, 125 East Main Street, Grass Valley, California 95945* and returning it to the city clerk fully completed within *15 days* from the date of this Notice. At the time of returning the request for hearing form to the City Clerk, you must pay an appeal processing fee of \$200.00. No appeal shall proceed without payment of the fee at the time the appeal is filed. However, the City Clerk may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with the notice and order, and other factors indicating good faith attempts to comply.

Failure to timely submit a completed request for hearing form or to pay the appeals processing fee of \$200.00 constitutes a waiver of the right to appeal, a failure to exhaust administrative remedies and shall preclude judicial review and renders this Notice of Violation final and binding.

Thank you for your expected cooperation. If you have any questions about complying with this *Notice of Violation and Abatement Order*, please contact me at the *City of Grass Valley Building Department* at (530) 274-4340 or jonm@cityofgrassvalley.com.

Sincerely,

Jon May
Building Official
City of Grass Valley Community Development Department

Cc - via email: Steve Johnson, Clint Bates, Dale Norvell, Dennis Grube, Brian Covella and Chris Roberds – Grass Valley Police Department
Added to Property File



CITY OF GRASS VALLEY

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Sincerely,

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Building Official

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Cc - via email: Steve Johnson, Clint Bates, Dale Norvell, Dennis Grube, Brian Covella and Chris Roberds – Grass Valley Police Department
Added to Property File



CITY OF GRASS VALLEY
APPEAL FORM
City Clerk's Office
125 East Main Street
Grass Valley, CA 95945

You may use this form, or provide a letter that includes the following information, to appeal a decision made by the Community Development Director, Development Review Committee or Planning Commission. All appeals shall be filed with the Community Development Department, or to the City Clerk's Office to appeal a Planning Commission action, within fifteen (15) calendar days following the date of the decision. The appeal shall include the specific action or decision, and describe the reasons for the appeal. Provide this form or a letter, along with the current appeal fee to initiate the appeal.

I, Brianna Moore (Printed Name of Appellant) Hereby appeal the below noted action(s):

Date of City Action: _____

Project Name/Application No. (s): 2301/2307 Nevada City Hwy

Permit Type (Use Permit, Subdivision map, etc.): Code Compliance

Mailing Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Purpose of the Appeal (List Specific Issue): I don't agree with the red tags, and/or ^{the} order for myself or any of my roommates to vacate the property.

Signature of Appellant Brianna C Moore Date: 5/01/2024

For City Staff Use Only

Date: 5/1/2024 Receipt No.: 800078252 Received by: MB Fee Paid: \$200

2301 & 2307 Nevada City Highway

Site Visit Photos

April 16, 2024



Entrance to property



Rear of property



Rear of property



Occupied Unpermitted Structure



Occupied Unpermitted Structure



Side Entrance Page 22



Rear of property





Dilapidated Building on 2307 Nevada City Hwy

2307 Nevada City Highway

Fire & Post-burn Photos
April 22-23, 2024



Storage Building Page 27







2301 Nevada City Highway

GVPD Bodycam Stills

May 7, 2024



Front Entrance Page 32



Yard





Back Entrance Page 35



Occupied Unpermitted Structure