

RESOLUTION NO. _____ (2024 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, DECLARING THAT THE PROPERTY LOCATED AT 205 CASA STREET AND 1067 MURRAY AVENUE CONSTITUTES A PUBLIC NUISANCE, AND ORDERING THE ABATEMENT OF SAME

WHEREAS, the City Council of the City of San Luis Obispo held a public hearing in the Council Chambers of City Hall, 990 Palm Street, San Luis Obispo, California and determined a public nuisance exists upon certain premises situated in said City known and designated as 205 Casa Street and 1067 Murray Avenue, and more particularly described as Lot 8, Isabel Tract, and shown as Assessor's Parcel No. 001-031-016 in the County of San Luis Obispo (the "Property"); and

WHEREAS, the nuisance consists of the following such that a serious and ongoing health and life-safety hazard is presented: unsecured vacant structures and land, accumulation of trash and debris, overgrown vegetation, and substandard, dangerous structural elements; and

WHEREAS, methods of abatement of the property would include; removal of any items, trash or debris constituting a fire and/or health hazard, removal of any overgrown vegetation, rehabilitation, repair, or demolition of the premises, or other appropriate action; and

WHEREAS, if the property owner does not voluntarily and timely comply, abatement would be completed by the City and all costs would be borne by the property owner and would constitute a lien upon such premises until full payment is received.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Findings. The City Council adopts the following findings in support of a declaration that a public nuisance exists at 205 Casa Street/1067 Murray Avenue:

1. City Code Enforcement staff have observed code violations at the Property since January 2022, and, based on those observations, believe it to have been abandoned since that date or earlier.
2. A Notice of Violation was issued to Property Owner Diller Ryan (Property Owner) in March 2022 for violations of the International Property Maintenance Code for maintenance of vacant structures and premises, accumulation of rubbish, and damage to exterior walls, doors and stairway elements.
3. The Property conditions continued to decline and in June 2022, staff observed compromised exterior entry points including broken and opened windows and doors and other evidence that the property was being used or occupied by trespassing individuals.

4. Despite property owner clearing vegetation and debris from the Property between July and November 2022, violations related to damaged siding, doors, windows and stairway remained (and remain) unaddressed.
5. During an inspection of the Property in November 2022, staff observed indication of continued unauthorized use or occupation of the Property and other deteriorating conditions including that the garage doors had been compromised, windows were broken, door hardware was missing, and debris had reaccumulated.
6. Between March and August 2023, Code Enforcement staff issued additional administrative citations and assessed fines totaling \$42,000. Although Property Owner made contact with staff at this point and expressed frustration over trespassing individuals, he at no point remedied the outstanding code violations.
7. On October 17, 2023, out of concern for the safety of the interior of the structure and evidence of unauthorized occupation, Code Enforcement staff requested an inspection of the interior of the property, but Property Owner failed to respond.
8. In October 2023, the property was posted as unsafe to occupy based on observations of San Luis Obispo Police Department officers and conditions observable from the public right of way.
9. On October 26, 2023, staff observed no progress towards compliance and issued a subsequent Notice to the Property Owner ordering the vacation and boarding of all structures.
10. By November 30th, 2023, the Chief Building Official (CBO) and Code Enforcement Officer observed conditions that were determined to be imminent dangers, such as structurally unsound stairs, missing door hardware, collapsed ceiling and electrical hazards. Staff concluded that these hazards were all related to the unsecured nature of the structure. The conditions presented an unmitigated, imminent danger to the life and health of entrants to the structure and surrounding neighbors.
11. On December 4, 2023, staff notified the Property Owner via voicemail that the structures were to be declared dangerous buildings by order of the Chief Building Official and that the structures were to be boarded by the City.
12. As a result of the imminent danger associated with the structures, on December 5, 2023, the CBO authorized, through contracted services, the installation of temporary safeguards including disconnection of electrical services and physical boarding of all entry points in compliance with the Boarding Standards found in Appendix A of the International Property Maintenance Code (IPMC) to prevent harm caused by further entry upon the dangerous property.
13. Property Owner has failed to resolve the code violations, and because the exterior areas of the Property remain open to the public, furniture and other debris continues to be dumped on the site.
14. The deteriorated state of the Property and continued property maintenance violations meet the criteria for the existence of a public nuisance under 8.24.020(A)-(B.)

SECTION 2: Determination and Order. Based upon evidence presented at the public hearing and the findings stated above, the City Council declares that a public nuisance exists at 205 Casa Street/1067 Murray Avenue. If the same is not promptly abated as follows by the owner of said premises within 30 days from this date, said nuisance may be abated by municipal authorities by removal or other appropriate action, the cost of which will constitute a lien upon such premises until paid.

1. Weed abatement for the entire lot.
2. Trash removal for the entire lot.
3. Safety pruning of all trees including lifting and pushing back out of City right of way.
4. Trimming of all bushes and shrubs/ pushing back out of City right of way.
5. Install perimeter fencing to prevent further unauthorized access to the lot and structures.

SECTION 3. Environmental Review. The action to declare this property a public nuisance and order abatement is exempt from the California Environmental Quality Act (CEQA) under Section 15321 (enforcement actions by regulatory agencies.) The action to install a perimeter fence and nuisance abatement measures are exempt from CEQA under Section 15301 (existing facilities) and Section 15601 (no possibility that the activity in question may have a significant effect on the environment.)

SECTION 4. The City Clerk is directed to provide a copy of this resolution ordering the abatement of the nuisance to the property owner as required by San Luis Obispo Municipal Code Sections 8.24.110.

Upon motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote:

- AYES:
- NOES:
- ABSENT:

The foregoing resolution was adopted this _____ day of _____ 2024.

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington,
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick,
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington,
City Clerk