



Office of the City Manager

PUBLIC HEARING

November 9, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Peter Radu, Assistant to the City Manager

Subject: Public Hearing: Administrative Citations and Property Lien at 2800 Garber Street

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution rejecting the property owners' objection to the cost of the administrative fines issued to them for their failure to comply with the City's anti-blight ordinance and building permit requirement, and allowing the special assessment lien on 2800 Garber St. to be recorded as written and approved by the City Manager.

SUMMARY

Since November 21, 2017, when the first administrative citation was issued to the property owner, there have been 12 citations issued. All but one have gone unpaid, resulting in an outstanding citation balance of \$113,500.00. The total proposed lien amount, which includes \$728.00 of administrative costs, is \$114,228.00.

Neither property owner paid or submitted a timely appeal of any of the outstanding citations. Neighborhood Services Code Enforcement Unit (NSCEU) issued a Demand Notice for the outstanding balance on March 25, 2021. On June 17, 2021, NSCEU issued a Notice of Proposed Lien. Ronald Graves, one of the property owners, timely requested a hearing to appeal the proposed lien.

FISCAL IMPACTS OF RECOMMENDATION

Approving this recommendation to initiate a lien at 2800 Garber Street would result in net revenues of \$114,228 to the City from the collection of the outstanding administrative citations and administrative costs.

CURRENT SITUATION AND ITS EFFECTS

Since 2017, Neighborhood Services Code Enforcement Unit (NSCEU) has been engaged to address blight issues, including peeling exterior lead paint, and construction without a valid permit at 2800 Garber Street. The property is located across the street from a school which raises concerns about spreading lead contamination from the chipping and peeling paint. During the last four years, the property owners have been non-compliant in correcting the violations despite voluminous communications and

many attempts from NSCEU. This resulted in the issuance of 12 administrative citations with an outstanding balance of \$113,500.00. Inclusive of administrative costs, the proposed lien amount is \$114,228.00. NSCEU has worked with the property owner to try and get nonenforcement based compliance and has re-inspected the property on multiple occasions in the anticipation that the property would be found to be in compliance. Each re-inspection resulted in non-compliance and the issuance of multiple administrative citations during the course of the enforcement action. A Demand Letter was issued to the property owners for payment of the administrative citations on March 25, 2021 and a Notice of Proposed Lien was subsequently issued on June 17, 2021 to the property owners for the amount of unpaid administrative citations. A detailed history of the City's involvement with the property since 2017 is described below. Based on the intensive nature of the City's involvement with this property, the nature of the violations, and the number of inspections and opportunities to comply that have been provided to the property owners, staff believe that a lien to collect the outstanding citations is the only remaining option to gain compliance.

### BACKGROUND

Below is a history of staff's involvement with 2800 Garber Street, Berkeley, CA 94705 (also associated with 2747 Piedmont Avenue, Berkeley, CA 94705) (APN: 053-1701-001-00). The property owners are Ronald E. and Shea M. Graves.

### **Property background and history with the City of Berkeley:**

**Background:** The property has two separate dwellings. There are two addresses associated with this parcel: the main address is 2800 Garber and the secondary address is 2747 Piedmont Ave.

#### **History:**

- 2008 -the City issued a permit to replace the roof
- 2011-the City issued a permit to remodel the property (two extensions were given and the permit was eventually closed in 2015 as, "incomplete.")

### **Neighborhood Services Code Enforcement Unit (NSCEU) background:**

**2017 Summary:** NSCEU received a complaint about blight at the property and inspected the property. It was determined that there was a need for multiple City Departments to inspect which subsequently took place. There was a referral to Planning / Toxics for exterior chipping paint on the exterior of the dwellings. NSCEU met and emailed with Mr. Graves multiple times to discuss the violations, and established compliance timelines. We also requested access to the property to inspect. Established compliance timelines were not met and the first administrative citation was issued.

- 03/20/2017-NSCEU received a complaint about blight at the property
- 03/21/2017-NSCEU performed the initial inspection
- 07/31/2017-A multi-departmental inspection occurred (Building & Safety, Fire, Planning /Zoning, and NSCEU)
- 08/25/2017-NSCEU issued a Notice of Violation (NOV) for blight

- 10/26/2017-NSCEU made a referral to Planning/Toxics for chipping paint concerns
- 11/16/2017-Re-inspection shows non-compliance to exterior violations that include lead-based, chipping paint.
- 11/21/2017-NSCEU issued an administrative citation (#7806) for \$400 for blight nuisance conditions, in violation of BMC 12.92.030b and e. Mr. Graves did pay this \$400 fine and it is not included in the proposed lien total.

**2018 Summary:** NSCEU conducted 8 re-inspections and determined on each that non-compliance of blight violations continued. There were 8 administrative citations issued totaling \$70,900. NSCEU issued a final Notice & Order to abate the nuisance conditions at the property.

- 01/30/2018-Re-inspection shows non-compliance to exterior violations
- 02/15/2018- NSCEU issued an administrative citation (#7761) for \$500 for blight non-compliance (BMC 12.92.030b, c, e).
  - The fine for 12.92.030 c was calculated at \$100 per violation per day, for one day, 2/14/2018. The fine for 12.92.030 b and e was calculated at \$200 per violation per day for one day, 2/14/2018.
- 03/19/2018-Re-inspection shows non-compliance to exterior violations
- 03/19/2018- NSCEU issued an administrative citation (#6123) for \$1200 for blight non-compliance (BMC 12.92.030b, c, e).
  - The fine for 12.92.030 c was calculated at \$200 per violation per day, for one day, 3/19/2018. The fine for 12.92.030 b and e was calculated at \$500 per violation per day for one day, 3/19/2018.
- 04/19/2018-Re-inspection shows non-compliance to exterior violations
- 04/19/2018- NSCEU issued an administrative citation (#7768) for \$1500 for blight non-compliance (BMC 12.92.030b, c, e).
  - The fine was calculated at \$500 per violation per day, for three violations on one day, 4/19/2018.
- 05/16/2018-Re-inspection shows non-compliance to exterior violations
- 05/16/2018- NSCEU issued an administrative citation (#6125) for \$7500 for blight non-compliance (BMC 12.92.030b, c, e).
  - The fine was calculated at \$500 per violation per day, for three violations per day for five days, 5/11/2018 – 5/16/2018.
- 06/19/2018-Re-inspection shows non-compliance to exterior violations
- 06/19/2018- NSCEU issued an administrative citation (#7769) for \$10,500 for blight non-compliance (BMC 12.92.030); and \$1,400 for expired permit and unpermitted construction (BMC 19.28.020)
  - The fine for 12.92.030 was calculated at \$500 per violation per day, for three violations per day for seven days, 6/12/18 – 6/19/18.
  - The fine for 19.28.020 was calculated at \$100 per violation per day, for two violations per day for seven days, 6/12/18 – 6/19/18.

- 07/19/2018-Re-inspection shows non-compliance to exterior violations
- 07/19/2018- NSCEU issued an administrative citation (#7770) for \$10,500 for blight non-compliance (BMC 12.92.030); and \$2,800 for expired permit and unpermitted construction (BMC 19.28.020)
  - The fine for 12.92.030 was calculated at \$500 per violation per day, for three violations per day for seven days, 7/12/18 – 7/19/18.
  - The fine for 19.28.020 was calculated at \$200 per violation per day, for two violations per day for seven days, 7/12/18 – 7/19/18.
- 08/16/2018-Re-inspection shows non-compliance to exterior violations
- 08/16/2018- NSCEU issued an administrative citation (#7774) for \$10,500 for blight non-compliance (BMC 12.92.030); and \$7,000 for expired permit and unpermitted construction (BMC 19.28.020)
  - The fine for 12.92.030 was calculated at \$500 per violation per day, for three violations per day for seven days, 8/9/18-8/16/18.
  - The fine for 19.28.020 was calculated at \$500 per violation per day, for two violations per day for seven days, 8/9/18 – 8/16/18.
- 09/04/2018- NSCEU issued a Notice & Order to abate nuisance conditions
- 10/11/2018-Re-inspection shows non-compliance of exterior violations
- 10/11/2018- NSCEU issued an administrative citation (#7882) for \$10,500 for blight non-compliance (BMC 12.92.030); and \$7,000 for expired permit and unpermitted construction (BMC 19.28.020)
  - The fine for 12.92.030 was calculated at \$500 per violation per day, for three violations per day for seven days, 10/12/18 – 10/18/18.
  - The fine for 19.28.020 was calculated at \$500 per violation per day, for two violations per day for seven days, 10/11/18 – 10/18/18.

**2019 Summary:** A notice of Intent to Lien was sent to the property owners. Mr. Graves reached out to the City to attempt to resolve violations on the property. NSCEU established timelines for Mr. Graves, who completes some of the items listed in the timeline. Remaining steps to compliance are discussed with Mr. Graves.

- 04/15/2019-NSCEU issued a Notice of Intent to Lien to property owners
- 04/30/2019-Owner reaches out to City Attorney's Office to discuss resolving violations
- 09/06/19-NSCEU issued a courtesy notice to reestablish timelines to resolve current violations at the property
- 11/15/2019-NSCEU performed a re-inspection of the property which showed some work to remove chipped paint and some porch repairs. Mr. Graves was at the property during the inspection were NSCEU discussed the next steps with him.

**2020 Summary:** The discussion of outstanding violations was formalized in a courtesy notice issued to the property owners. Since the timelines were not met, a Citation

Warning Notice was sent. Mr. Graves stated in an email that weather had delayed him in gaining compliance.

- 01/15/2020- NSCEU issued a courtesy notice documenting last discussion of outstanding violation still needed to be addressed
- 05/15/2020- NSCEU issued a Citation Warning Notice for not meeting established timelines
- 06/19/2020-Email communication from Mr. Graves stated that weather had caused delays in gaining compliance

**2021 Summary:** After two re-inspections, three administrative citations were issued for blight and unpermitted construction totaling \$42,000. NSCEU, with City Attorney's Office, issued a Demand Letter for unpaid administrative citations and also issued a Notice of Proposed Lien to the property owners. The total amount of outstanding administrative citations is \$113,500.00. The total administrative costs assessed, pursuant to BMC 1.24.150, is \$728. The total proposed lien amount is \$114,228.00

- 01/06/2021- NSCEU issued an administrative citation (#5446) for \$100 for blight non-compliance (BMC 12.92.030); and \$100. for unpermitted construction (BMC 19.28.020)
  - The fine for 12.92.030 was calculated at \$100 per violation per day, for one violation on one day, 1/6/21.
  - The fine for 19.28.020 was calculated at \$100 per violation per day, for one violation on one day, 1/6/21.
- 01/28/2021-Reinspection shows blight non-compliance to exterior and continuing to work without active building permits
- 02/04/2021- NSCEU issued an administrative citation (#5449) for \$4,200 for blight non-compliance (BMC 12.92.030); and \$4,200. for unpermitted construction (BMC 19.28.020)
  - The fine for 12.92.030 was calculated at \$200 per violation per day, for one violation for twenty-one days, 1/8/21 – 1/28/21.
  - The fine for 19.28.020 was calculated at \$200 per violation per day, for one violation for twenty-one days, 1/8/21 – 1/28/21.
- 03/04/2021-Re-inspection shows non-compliances of exterior violations
- 03/04/2021- NSCEU issued an administrative citation (#5450) for \$17,000 for blight non-compliance (BMC 12.92.030); and \$17,000. for unpermitted construction (BMC 19.28.020)
  - The fine for 12.92.030 was calculated at \$500 per violation per day, for one violation for thirty-four days, 1/29/21 – 3/4/21.
  - The fine for 19.28.020 was calculated at \$500 per violation per day, for one violation for thirty-four days, 1/29/21 – 3/4/21.
- 03/25/2021- NSCEU issued a Demand Letter to property owners for outstanding unpaid citations totaling \$113,500.00 plus administrative costs of \$728.00.

- 06/17/2021- NSCEU issued a Notice of Proposed Lien to property owners for the amount of unpaid administrative citations plus administrative costs, totaling \$114,228.00

### **Owners Failed to Pay Outstanding Fines and City Seeks to Recover Fines as a Special Assessment Lien**

No timely appeal of the outstanding administrative citations were received by the City nor have the fines been paid to date (with the exception of the \$400 citation dated 11/21/2017, as noted above). The citations issued were subject to a twenty-one (21) day appeal period. In such an appeal, the owners would have had an opportunity to contest the underlying basis for the issuance of the administrative citations. However, they failed to appeal these citations within the required period.

A Demand Letter was issued to the property owners for payment of the administrative citations on March 25, 2021 and a Notice of Proposed Lien was subsequently issued on June 17, 2021 to the property owners for the amount of unpaid administrative citations. Both notices are attached. No payment has been received in response to either notice. The City now seeks to recover the fines through a special assessment lien for the citation balance and administrative costs: \$114,228.00.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability or climate impacts associated with the recommendation in this report. However, as a separate action, Neighborhood Services Code Enforcement Unit is proceeding with an abatement warrant at the property in question to remove peeling exterior paint that contains lead, the abatement of which will result in a net environmental benefit for the surrounding neighbors of the property.

### RATIONALE FOR RECOMMENDATION

Neighborhood Services Code Enforcement Unit, in the course of this enforcement action, has provided the property owners ample opportunity to come into compliance, and to either pay or appeal the citations. Since there have been multiple compliance dates that have passed in the last 4 years and there has been no payment received for the outstanding balance of the unpaid administrative citation fees, the recommendation is to request a lien at 2800 Garber Street to recover the outstanding balance of unpaid administrative citation fees. This is the only means for the City of Berkeley to collect fees for unpaid administrative citations.

### ALTERNATIVE ACTIONS CONSIDERED

Neighborhood Services Code Enforcement Unit has provided the property owners with over four years of time to correct violations. This is an extraordinary amount of time to correct. The City of Berkeley has exhausted the extension of time to gain compliance at this property.

CONTACT PERSON

Jeff Conner, Supervisor, Neighborhood Services Code Enforcement Unit, 510 981-2492

Attachments:

1. Resolution
2. Demand Notice
3. Notice of Proposed Special Assessment Lien

RESOLUTION NO. ##,###-N.S.

REJECTING THE PROPERTY OWNERS' OBJECTION TO THE COST OF THE ADMINISTRATIVE FINES ISSUED TO THEM FOR THEIR FAILURE TO ADDRESS BLIGHT CONDITIONS ON THEIR PROPERTY, AND ALLOWING THE SPECIAL ASSESSMENT LIEN AT 2800 GARBER STREET TO BE RECORDED AS WRITTEN AND APPROVED BY THE CITY MANAGER.

WHEREAS, 2800 Garber Street is a property in the City of Berkeley, owned by Ronald E. and Shea M. Graves; and

WHEREAS, the City received a complaint of blight on March 20, 2017 and created a case with the Neighborhood Services Code Enforcement Unit; and

WHEREAS, the City has issued a total of 12 administrative citations between 2017-2021 with an unpaid citation balance of \$113,500.00 for non-compliance of City of Berkeley Municipal Codes; and

WHEREAS, no timely appeal of the administrative citations were received by the City nor have the outstanding fines been paid to date; and

WHEREAS, the City has issued a Demand Letter to the property owners on March 3, 2021 for the amount of unpaid administrative citation issued and associated costs. However, the owners failed to remit the outstanding fines and associated costs within the required 45 day period; and

WHEREAS, the City has issued a Notice of Proposed Lien to the property owners on June 17, 2021 to collect the amount of unpaid administrative citations issued plus administrative costs, and such notice was timely objected to by the owner; and

WHEREAS, a public hearing on property owner's objections was conducted on November 9, 2021 by the Council of the City of Berkeley; and

WHEREAS, in evaluating the testimony given during the public hearing, the Council of the City of Berkeley considered and made determinations as to the credibility of the witnesses, the weight of the evidence, and the extent to which the evidence was cumulative and/or probative; and

WHEREAS, the City has provided ample time and opportunity for the owners of the property to come into compliance and correct the noted violations, but the owners have failed to adequately abate the violations; and

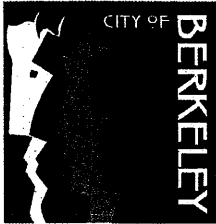
NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley finds that the proposed lien amount of \$114,228.00 is an accurate sum of the administrative costs and administrative citations that were issued, not appealed and final and, thus, is reasonable.



November 9, 2021

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley rejects the property owners' objection to the cost of the administrative fines and associated costs issued to them for their failure to comply with City of Berkeley anti-blight and building permit requirements, and that the special assessment lien is to be recorded as written and approved by the City Manager.

BE IT FURTHER RESOLVED, that the City Manager is authorized to place a special assessment lien in the amount of \$114,228.00 on the property at 2800 Garber St. Berkeley, CA 94705.



Office of the City Manager  
Neighborhood Services-Enforcement Division

## DEMAND NOTICE

### CERTIFIED MAIL

March 25, 2021

Ronald E. & Shea M. Graves  
2857 Cicero Way  
San Jose CA 95148-2905

**RE: Demand For Payment Of Administrative Fines, Costs & Fees Pursuant to BMC Section 1.24.160:**

Dear Mr. and Mrs. Graves

As a result of violations of the Berkeley Municipal Code (BMC) listed below, you were issued Administrative Citation(s) in amounts and on dates as follows:

	<b>Date of Citation</b>	<b>B.M.C Code(s)</b>	<b>Nature of Citation(s)</b>	<b>Amount of Citation</b>
1	11/21/2017	12.92.030	Blight nuisance conditions, rodent harborage, hazardous conditions and building violations	\$ (- 400.00)
2	02/14/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 500.00
3	03/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 1,200.00
4	04/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 1,500.00
5	05/16/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 7,500.00

Ronald & Shea Graves  
2800 Garber Street  
Berkeley, CA 94705-2307

DEMAND NOTICE  
March 25, 2021  
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6	06/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 11,900.00
7	07/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 13,300.00
8	08/16/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 17,500.00
9	10/18/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 17,500.00
10	01/07/2021	12.92.030, 19.28.020	Blight nuisance conditions and Building permit violations	\$ 200.00
11	02/04/2021	12.92.030, 19.28.020	Blight nuisance conditions and Building permit violations	\$ 8,400.00
12	03/04/2021	12.92.030, 19.28.020	Blight nuisance conditions and Building permit violations	\$ 34,000.00
	<b>Total</b>		<b>Citation Balance</b>	<b>\$113,500.00</b>
13	Administrative costs			\$ 728.00
	<b>Total</b>			<b>\$114,228.00</b>

\*See attached cost report for an itemized account of administrative costs.

Please be advised that payment in total of the above fines, fees and costs is due upon receipt of this notice. Remit payment to the Finance Department directly. The Finance-Customer Service Center is located at 1947 Center Street in Berkeley (open Monday - Friday, 9:00am - 4:30pm). Be advised personal checks will not be accepted as payment. Cash, money order, cashier's check, or Visa/MasterCard are acceptable forms of payment. Cash payments must be made in person at the Finance Customer Service Center. You may also pay by phone using Visa or MasterCard by calling the Finance-Customer Service Center at (510) 981-7200 between the hours of 8:30am - 4:30pm.

**If payment is not forthcoming within 45 days from the date of this notice, the City of Berkeley will seek to impose the total amount listed above as a special assessment lien against the property at the following address:**

2800 Garber Street  
Berkeley, CA 94706-2307  
APN: 053-1701-001-00

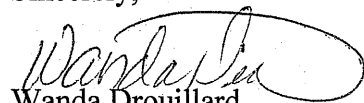
Ronald & Shea Graves  
2800 Garber Street  
Berkeley, CA 94705-2307

DEMAND NOTICE  
March 25, 2021  
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As of March 16, 2021, County records indicate that you are the recorded owner of the property at this address. [Copies of this notice have been sent to all other owners of record in order to inform them of a matter that may affect their interests in the above property.]

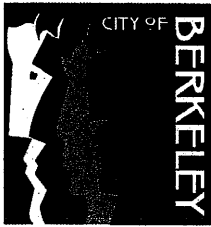
If you have any questions regarding the contents of this notice, please contact Wanda Drouillard, Code Enforcement Officer II or the Finance Customer Service Center.

Sincerely,



Wanda Drouillard  
Code Enforcement Officer II  
City Manager's Office

Enclosure: Cost Report/Memo



Office of the City Manager  
Neighborhood Services-Enforcement Division

## **COST REPORT/MEMO**

DATE: March 25, 2021

TO:

File

FROM:

*Wanda Drouillard*

Wanda Drouillard, Code Enforcement Officer II

**RE: Costs Associated with Administrative Citation(s) Pursuant to Section 1.24.150**

<b>Name of Violator</b>	Ronald E. & Shea M. Graves.	APN: 053-1701-001-00 Case Number: 336394
<b>Recorded Property Owner(s)</b>	Ronald E. & Shea M. Graves	
<b>Property Location</b>	2800 Garber Street Berkeley, CA 94705-1315	
<b>Nature of Citation(s) &amp; B.M.C Code(s)</b>	Blight Nuisance Conditions... (BMC Section 12.92.020 and 19.28.020).	

	<b>Date</b>	<b>Description</b>	<b>No. of Hours</b>	<b>Hourly Rate</b>	<b>Total \$ Amount</b>
1	11/21/2017 02/14/2018 03/19/2018 04/19/2018 05/16/2018 06/19/2018 07/19/2018 08/16/2018 10/18/2018 01/07/2021 02/04/2021 03/04/2021	Twelve (12) Administrative citation drafted and sent to property owner of record	6 hr	\$104	\$624
2		Title search request, reviewed and processed payment for title company	1 hr	\$104	\$104
3					
<i>Total</i>			7 hrs		\$728

3/25/2021

**PROOF OF SERVICE**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 2180 Milvia Street, Berkeley, California 94704. On this date, I served by first class mail and certified mail Demand Notice to:

**Ronald & Shea Graves**

Name

**2857 Cicero Way**

Street

**San Jose CA 95148-2905**

City, State, Zip Code

By the following means of service:

By Personal Service - I personally gave the citation to the person whose name appears above.

By Posting - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

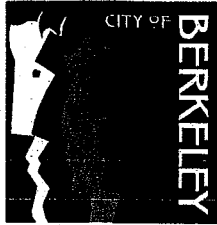
By First Class Mail - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.

By Certified Mail, Return Receipt Requested - I mailed the citation by certified mail at the U.S. Post office, return receipt requested.

By Facsimile - I caused the citation to be transmitted to the person whose name appears above following ordinary business practices in compliance with applicable rules of civil procedure and rules of court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 25, 2021 at Berkeley, California.

  
\_\_\_\_\_  
(Name)



Office of the City Manager  
Neighborhood Services-Enforcement Division

## NOTICE OF PROPOSED LIEN

### CERTIFIED MAIL

June 17, 2021

Ronald E. & Shea M. Graves  
2857 Cicero Way  
San Jose CA 95148-2905

### RE: RE: NOTICE OF PROPOSED LIEN AND HEARING RIGHTS

Dear Mr. and Mrs. Graves

As a result of violations of the Berkeley Municipal Code (BMC) listed below, you were issued Administrative Citation(s) in amounts and on dates as follows:

	<b>Date of Citation</b>	<b>B.M.C Code(s)</b>	<b>Nature of Citation(s)</b>	<b>Amount of Citation</b>
1	11/21/2017	12.92.030	Blight nuisance conditions, rodent harborage, hazardous conditions and building violations	\$ 0.00
2	02/14/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 500.00
3	03/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 1,200.00
4	04/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 1,500.00

Ronald & Shea Graves  
2800 Garber Street  
Berkeley, CA 94705-2307

## NOTICE OF PROPOSED LIEN

June 17, 2021

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5	05/16/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 7,500.00
6	06/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 11,900.00
7	07/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 13,300.00
8	08/16/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 17,500.00
9	10/18/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 17,500.00
10	01/07/2021	12.92.030, 19.28.020	Blight nuisance conditions and Building permit violations	\$ 200.00
11	02/04/2021	12.92.030, 19.28.020	Blight nuisance conditions and Building permit violations	\$ 8,400.00
12	03/04/2021	12.92.030, 19.28.020	Blight nuisance conditions and Building permit violations	\$ 34,000.00
	<b>Total</b>		<b>Citation Balance</b>	<b>\$113,500.00</b>
13	Administrative costs			\$ 728.00
	<b>Total</b>			<b>\$114,228.00</b>

\*See attached cost report for an itemized account of administrative costs.

On March 25, 2021, this office sent you a Demand Notice to pay the total amount listed above and demanded payment within 45 days from the date of such Notice. You have failed to remit such payment within this time period. Therefore, the City is hereby notifying you as well as the other owners of record of its intent to attach a special assessment lien against the property at the following address:

2800 Garber Street  
Berkeley, CA 94706-2307  
APN: 053-1701-001-00



Ronald & Shea Graves  
2800 Garber Street  
Berkeley, CA 94705-2307

NOTICE OF PROPOSED LIEN  
June 17, 2021  
Page 3 of 3

**Pursuant to BMC Section 1.24.170.A.3, you are also hereby notified that you have 45 days from the date of this Notice to pay the total amount listed above.**

As of June 16, 2021, County Records indicate that you Ronald E. & Shea M. Graves are the recorded owners of the property at the above address.

To pay the amount due, please contact the Finance Department directly and be advised that only cash, money order, cashier's checks, or Visa/MasterCard will be accepted for payment. Personal checks will not be accepted. The Finance Customer Service Center is located at 1947 Center Street in Berkeley (open Monday - Friday, 9:00am - 4:30pm). You may pay by phone with a Visa or MasterCard by calling the Finance-Customer Service Center at (510) 981-7200 between the hours of 8:30 a.m. - 4:30 p.m.

**Pursuant to BMC Section 1.24.170.A.4, you have 10 calendar days from the receipt of this Notice to request a hearing before the Berkeley City Council and to file objections to the costs. Failure to request an appeal within 10 days constitutes a waiver of your right to appeal the proposed lien.**

If you request a hearing, the City Council will not be deciding whether the basis or the amount of the underlying citations is valid. Rather, the Council will only determine whether the citations were issued and processed in the manner authorized by law and that the proposed lien is an accurate reflection of the citations. To file a hearing request, contact the City Clerk in writing, stating the reason why you believe the amount of the proposed lien is incorrect.

If you fail to either remit the total amount demanded above within 45 days of this Notice or request a hearing within 10 days of receipt of this Notice, the City will notify the County and direct it to place a special assessment lien on your property for the total amount above. The amount of the lien may then be collected at the same time and in the same manner as property taxes are collected.

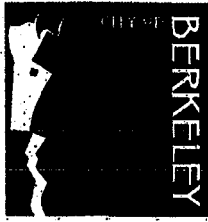
If you have any questions regarding the contents of this Notice, please contact me at 510-981-2482 or [wdrouillard@cityofberkeley.info](mailto:wdrouillard@cityofberkeley.info) or Finance Customer Service at (510)981-7200.

Sincerely,



Wanda Drouillard  
Code Enforcement Officer II  
City Manager's Office

Enclosure: March 25, 2021-Demand Notice with Cost Report/Memo attached



Office of the City Manager  
Neighborhood Services-Enforcement Division

## DEMAND NOTICE

### CERTIFIED MAIL

March 25, 2021

Ronald E. & Shea M. Graves  
2857 Cicero Way  
San Jose CA 95148-2905

**RE: Demand For Payment Of Administrative Fines, Costs & Fees Pursuant to BMC Section 1.24.160:**

Dear Mr. and Mrs. Graves

As a result of violations of the Berkeley Municipal Code (BMC) listed below, you were issued Administrative Citation(s) in amounts and on dates as follows:

	<b>Date of Citation</b>	<b>B.M.C Code(s)</b>	<b>Nature of Citation(s)</b>	<b>Amount of Citation</b>
1	11/21/2017	12.92.030	Blight nuisance conditions, rodent harborage, hazardous conditions and building violations	\$ (- 400.00)
2	02/14/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 500.00
3	03/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 1,200.00
4	04/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 1,500.00
5	05/16/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 7,500.00

Ronald & Shea Graves  
2800 Garber Street  
Berkeley, CA 94705-2307

DEMAND NOTICE  
March 25, 2021  
Page 2 of 3

6	06/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 11,900.00
7	07/19/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 13,300.00
8	08/16/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 17,500.00
9	10/18/2018	12.92.030 (b),(c) & (e)	Blight nuisance conditions- paint worn and peeling, building structure deteriorating and not approved boarded up vacant building.	\$ 17,500.00
10	01/07/2021	12.92.030, 19.28.020	Blight nuisance conditions and Building permit violations	\$ 200.00
11	02/04/2021	12.92.030, 19.28.020	Blight nuisance conditions and Building permit violations	\$ 8,400.00
12	03/04/2021	12.92.030, 19.28.020	Blight nuisance conditions and Building permit violations	\$ 34,000.00
	<b>Total</b>		<b>Citation Balance</b>	<b>\$113,500.00</b>
13	Administrative costs			\$ 728.00
	<b>Total</b>			<b>\$114,228.00</b>

\*See attached cost report for an itemized account of administrative costs.

Please be advised that payment in total of the above fines, fees and costs is due upon receipt of this notice. Remit payment to the Finance Department directly. The Finance-Customer Service Center is located at 1947 Center Street in Berkeley (open Monday - Friday, 9:00am - 4:30pm). Be advised personal checks will not be accepted as payment. Cash, money order, cashier's check, or Visa/MasterCard are acceptable forms of payment. Cash payments must be made in person at the Finance Customer Service Center. You may also pay by phone using Visa or MasterCard by calling the Finance-Customer Service Center at (510) 981-7200 between the hours of 8:30am - 4:30pm.

**If payment is not forthcoming within 45 days from the date of this notice, the City of Berkeley will seek to impose the total amount listed above as a special assessment lien against the property at the following address:**

2800 Garber Street  
Berkeley, CA 94706-2307  
APN: 053-1701-001-00


Ronald & Shea Graves  
2800 Garber Street  
Berkeley, CA 94705-2307

DEMAND NOTICE  
March 25, 2021  
Page 3 of 3

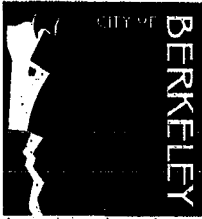
As of March 16, 2021, County records indicate that you are the recorded owner of the property at this address. [Copies of this notice have been sent to all other owners of record in order to inform them of a matter that may affect their interests in the above property.]

If you have any questions regarding the contents of this notice, please contact Wanda Drouillard, Code Enforcement Officer II or the Finance Customer Service Center.

Sincerely,

  
Wanda Drouillard  
Code Enforcement Officer II  
City Manager's Office

Enclosure: Cost Report/Memo



Office of the City Manager  
Neighborhood Services-Enforcement Division

## COST REPORT/MEMO

DATE: March 25, 2021

TO: File

FROM: *Wanda Drouillard*  
Wanda Drouillard, Code Enforcement Officer II

**RE: Costs Associated with Administrative Citation(s) Pursuant to Section 1.24.150**

<b>Name of Violator</b>	Ronald E. & Shea M. Graves.	APN: 053-1701-001-00 Case Number: 336394
<b>Recorded Property Owner(s)</b>	Ronald E. & Shea M. Graves	
<b>Property Location</b>	2800 Garber Street Berkeley, CA 94705-1315	
<b>Nature of Citation(s) &amp; B.M.C Code(s)</b>	Blight Nuisance Conditions... (BMC Section 12.92.020 and 19.28.020).	

	Date	Description	No. of Hours	Hourly Rate	Total \$ Amount
1	11/21/2017 02/14/2018 03/19/2018 04/19/2018 05/16/2018 06/19/2018 07/19/2018 08/16/2018 10/18/2018 01/07/2021 02/04/2021 03/04/2021	Twelve (12) Administrative citation drafted and sent to property owner of record	6 hr	\$104	\$624
2		Title search request, reviewed and processed payment for title company	1 hr	\$104	\$104
3					
<i>Total</i>			7 hrs		\$728

3/25/2021

**PROOF OF SERVICE**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 2180 Milvia Street, Berkeley, California 94704. On this date, I served by first class mail and certified mail Demand Notice to:

**Ronald & Shea Graves**

Name

**2857 Cicero Way**

Street

**San Jose CA 95148-2905**

City, State, Zip Code

By the following means of service:

**By Personal Service** - I personally gave the citation to the person whose name appears above.

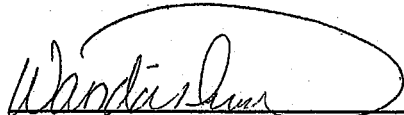
**By Posting** - I posted the citation in a conspicuous place on the property of the person whose name appears above, specifically:

**By First Class Mail** - I am readily familiar with the City's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in Berkeley, California, for mailing to the office of the addressee following ordinary business practices.

**By Certified Mail, Return Receipt Requested** - I mailed the citation by certified mail at the U.S. Post office, return receipt requested.

**By Facsimile** - I caused the citation to be transmitted to the person whose name appears above following ordinary business practices in compliance with applicable rules of civil procedure and rules of court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 25, 2021 at Berkeley, California.

  
\_\_\_\_\_  
(Name)

**PROOF OF SERVICE**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over the age of eighteen years and not a party to the within action; that my business address is 2180 Milvia Street, Berkeley, California 94704. On this date, I served by first class mail and certified mail Demand Notice to:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 17, 2021 at Berkeley, California.

  
(Name)

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**2800 Garber Street**

Street

**Berkeley CA 94705**

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(Name)



## PUBLIC HEARING NOTICE BERKELEY CITY COUNCIL

### REJECTING THE PROPERTY OWNERS' OBJECTION TO THE COST OF THE ADMINISTRATIVE FINES ISSUED TO THEM FOR THEIR FAILURE TO ADDRESS BLIGHT CONDITIONS ON THEIR PROPERTY, AND ALLOWING THE SPECIAL ASSESSMENT LIEN AT 2800 GARBER STREET TO BE RECORDED AS WRITTEN AND APPROVED BY THE CITY MANAGER

The Department of City Manager's Office is proposing a Resolution to initiate a lien on 2800 Garber Street to collect the balance of outstanding administrative citations totaling \$114,228.00.

The hearing will be held on, NOVEMBER 9, 2021 at 6:00 p.m. The hearing will be held via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **October 28, 2021**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Jeff Conner, Neighborhood Services Code Enforcement Unit Supervisor at (510) 981-2492.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** November 3, 2021 – East Bay Express

City Clerk shall publish in a newspaper of general circulation published in the county in which the property is located pursuant to BMC 1.24.170.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 28, 2021.



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Mark Numainville, City Clerk