CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA ▪ SUITE 2340 ▪ OAKLAND, CALIFORNIA 94612-2031
Planning and Building Department (510) 238-6402
Bureau of Building FAX:(510) 238-2959
Building Permits, Inspections and Code Enforcement Services TDD:(510) 238-3254
inspectioncounter@oaklandnet.com

NOTICE OF VIOLATION

MAY 3, 2018

Certified and Regular mail

To: MOTTE TOMMIE J
9430 BANCROFT AVE
OAKLAND, CA 94603

Code Enforcement Case No.: **1800974**
Property: **9430 BANCROFT AVE**
Parcel Number: **46-5474-22-4**
Re-inspection Date/Correction Due Date: JUNE 8, 2018

Code Enforcement Services inspected your property on **MAY 2, 2018** and confirmed:

☒ that the violations of the Oakland Municipal Code (OMC) identified below are present and need to be addressed as specified under "Required Actions". Photographs of the violations are enclosed where applicable.
☐ that work was performed without permit or beyond the scope of the issued permit and you are receiving this Notice of Violation because you did not get the required permit within three (3) days of receiving the Stop Work Order. You must contact the inspector indicated below before the Re-inspection Date to stop further code enforcement action.
☐ **Investor Owned Program - Per OMC 8.58**
☐ **Foreclosed and Defaulted Properties - Per OMC 8.54**

At this point, no fees or other charges have been assessed for these violations. To stop further code enforcement action, you are advised to correct the above violations and contact Inspector **Seth Gunari**, who is assigned to your case, before the re-inspection date shown above to schedule an inspection. Your inspector is available by phone at 510-238-**4775** and by email at **sgunari**@oaklandnet.com.

If the Property Owner Certification is included in this notice you may also complete the form and include photographs of the corrected violations.

Note: If a complaint is filed regarding the same or similar violation(s) and it is confirmed within 24 months from the date of this notice an immediate assessment of $1,176.00 will be charged as a Repeat Violation. In addition, if violation(s) remain uncorrected after you receive a 30-day Notice of Violation, further enforcement action(s) will include additional fees.

- **If you do not contact your inspector to discuss why you cannot comply** or if applicable, complete the Property Owner Certification form and the re-inspection verifies that all violations have not been corrected, you may be charged for inspection and administrative costs, which can total **$2,665.00.**
- The City may also abate the violations and charge you for the contracting and administrative costs, which can also total over $1,000.00.
- Priority Lien fees in the amount of $1,349.00 may be assessed if fees are not paid within 30 days from the date of the invoice. Charges may be collected by recording liens on your property and adding the charges to your property taxes or by filing in Small Claims Court.
- The Notice of Violation may be recorded on your property with associated fees for processing and recording.

You have a right to appeal this Notice of Violation. You must complete the enclosed Appeal form and return it with supporting documentation in the enclosed envelope. If Code Enforcement Services does not receive your written Appeal within the appeal deadline dated: **JUNE 8, 2018** you will waive your right for administrative review. *Note: Incomplete appeals including, but not limited to an oral notification of your intention to appeal, a written appeal postmarked but not received by us within the time prescribed or a written appeal received by us without a filing fee are not acceptable and will be rejected.*

Note: The appeal period may be reduced based on prior noticing i.e., Courtesy notice, Repeat Violation and the Property Owner Certification on record.

If you choose to file an appeal no further action can be taken by Code Enforcement Inspectors until you have had the opportunity to be heard by an independent Administrative Hearing Examiner pursuant to the Oakland Municipal Code Section 15.08.380 (B)(3) and a Final Decision is determined. An appeal will be scheduled within **60** days from the end of the appeal period. A filing fee in the amount of **$110.00** is due at the time of submittal. Payments may be made in person at the Bureau of Building, 250 Frank Ogawa Plaza, 2nd Floor, or by phone by calling 510-238-4774 **(Please include the receipt number and date on your appeal).** MasterCard and Visa are accepted.

Investor-Owned Residential Property OMC 8.58	**Foreclosed and Defaulted OMC 8.54**
Administrative/Civil penalties will be Assessed for failure to abate (OMC Sections 8.24.020, 1.08.60, 1.12). Penalties may be assessed for up to 21 days at $1,000 a day. You will be notified separately if penalties have accrued. **Nuisance Abatement Lien (Notice of Violation)** A Nuisance Abatement Lien may be filed with the Alameda County Clerk-Recorder for recordation on the property title which shall have the force, effect and priority of a Judgment Lien. The Nuisance Abatement Lien may be foreclosed by an action brought by the City of Oakland for a money judgment. **(Priority Lien) (OMC 8.58.430)** A Constructive notice of the pendency of a collection action for an Assessment to all other interested parties shall be established on the date a lien is recorded by the Alameda County Clerk-Recorder	Civil penalties will be Assessed for failure to abate (OMC Sections 8.24.020.1.08.601.12). Penalties may be assessed for up to 21 days at $1,000 a day. You will be notified separately if penalties have accrued. **(Priority Lien) (OMC 8.54.430)** A Constructive notice of the pendency of a collection action for an Assessment to all other interested parties shall be established on the date a lien is recorded by the Alameda County Clerk-Recorder

Sincerely,

Seth Gunari

Seth Gunari
Code Enforcement Inspector
Planning and Building Department

Enclosures as applicable:

- ☒ Blight brochure
- ☒ Property Owner Certification
- ☐ Lead Paint brochure
- ☒ Photographs
- ☐ Residential Code Enforcement brochure
- ☐ Mold and Moisture brochure
- ☐ Undocumented Dwelling Units brochure
- ☐ Stop Work brochure
- ☐ Vehicular Food Vending brochure
- ☐ Pushcart Food Vending brochure
- ☐ Smoke Alarms brochure
- ☐ Condominium Conversion brochure

cc:

Administrative Hearing Fees

Filing Fee	**$ 110.00**
Conduct Appeals Hearing	**Actual Cost Appeal (Fee charged only if Appellant loses appeal)**
Processing Fee	**$ 931.00**
Reschedule Hearing	**$ 329.00**

Fee Includes 9.5% Records Management Fee and 5.25% Technology Enhancement Fee

Property Address: **9430 BANCROFT AVE** Complaint #: **1800974**

Property Maintenance (Blight) - (Checklist of Violations attached)

Description of Violation	Required Action	OMC Section
Trash and debris in front yard. Overgrown vegetation in front yard. Garbage receptacles in view.	Abate.	See attached.

Building Maintenance (Housing)

Description of Violation	Required Action	OMC Section

Zoning

Description of Violation	Required Action	OMC Section

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Planning and Building Department
Bureau of Building
Building Permits, Inspections and Code Enforcement Services
(510) 238-6402
inspectioncounter@oaklandnet.com

PROPERTY OWNER CERTIFICATION

CORRECTED OR REMOVED VIOLATIONS

Date:

Property: **9430 BANCROFT AVE**

Parcel no. 46-5474-22-4

Case no.: **1800974**

Owner: MOTTE TOMMIE J

Courtesy Notice date:

Re-inspection date: **JUNE 8, 2018**

Instructions

1. Review the property address and owner information shown at the left and make any necessary corrections.
2. **If applicable, before** the Re-inspection date shown at the left, complete and return this signed form with dated photographs of your property to verify the violations were removed or not present:

E-mail: **inspectioncounter@oaklandnet.com**
Facsimile: 510/ 238-2959
Mail: City of Oakland
Bureau of Building
250 Frank H. Ogawa Plaza Suite 2340
Oakland, CA 94612-2031
(Envelope enclosed – no postage required)

Return to: Seth Gunari

I certify that I have corrected the following violation(s) identified in the Notice of Violation I received from the City of Oakland.

I understand that if a complaint is filed regarding the same or similar violation(s) and it is confirmed within 24 months from the date of this notice an immediate assessment of $1,176.00 will be charged as a Repeat Violation fee. If the violation remains uncorrected after I receive a 30-day Notice of Violation further enforcement action(s) will be taken that will include additional fees.

I have corrected the following violations identified in the Notice of Violation I received from the City of Oakland:

_____

_____

_____

_____ _____
Print Name Date

_____
Property Owner Signature

(____) _____ _____
Day time telephone E-mail

Description of Property Maintenance Violations

Property Address: **9430 BANCROFT AVE** Complaint #: **1800974**

Property Maintenance– OMC 8.24.020

Abandoned building or structure (OMC 8.24.020 A)

☐ A building or structure which is not occupied, inhabited, used, or secured; a building or structure is unsecured when it is unlocked or the public can gain entry without the consent of the owner. OMC 8.24.020 (1)

☐ Any partially constructed, reconstructed or demolished building or structure upon which work I abandoned - No valid and current building or demolition permit or no substantial work on the project for six months. OMC 8.24.020 (2)

Attractive Nuisance (OMC 8.24.020 B)

☐ Property which is in an unsecured state so as to potentially constitute an attraction to children, harbor vagrants, criminals, or other unauthorized persons.

A building or structure which is in a state of disrepair (OMC 8.24.020 C)

☐ Any building or structure which by reason of rot, weakened joints, walls, floors, underpinning, roof, ceilings, or insecure foundation, or other cause has become dilapidated or deteriorated. OMC 8.24.020 (1)

☐ Any building or structure with exterior walls and/or roof coverings which ae become so deteriorated as to not provide adequate weather protection and bel likely to, or have resulted in, termite infestation or dry rot. OMC 8.24.02 (2)

☐ Buildings or structures with broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers 8.24.020 (3) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**

☐ Buildings or structures including but not limited to, walls, windows, fences, signs, retaining walls, driveways, or walkways which are obsolete, broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts on neighboring property or presents a risk to public safety i.e. writings, inscriptions, figures, scratches, or other markings referred to as "graffiti" and peeling, flaking, blistering, or otherwise deteriorated paint. OMC 8.24.020 (4)

Property inadequately maintained (OMC 8.24.020 D) **Violation Location: ☒ Front ☐ Side ☐ Rear/Backyard**

☒ Property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or other vegetation, rank growth, dead organic matter, rubbish, junk, garbage animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material – Combustible and noncombustible waste materials, residue from the burning of wood, coal, coke, and other combustible material; paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, hay, straw, tin cans, metal mineral matter, glass, crockery, and dust; animal feed and the products of and residue from animal quarters. OMC 8.24.020 (1)

☐ Property which constitutes a fire hazard or a condition considered dangerous to the public health, safety and general welfare. OMC 8.24.020(2)

☐ Property which is likely to or does harbor rats or other vectors, vermin, feral pet, or other non-domesticated animal nuisances OMC 8.24.020 (3)

☐ Property which substantially detracts from the aesthetic and economic values of neighboring properties including, but not limited to, personal property and wares and foodstuffs, premises garbage and refuse receptacles, and commercial and industrial business activities which are inadequately buffered from any street, sidewalk, or other publicly trafficked area or such buffering which is inadequately maintained. OMC 8.24.020 (4) and OPC Chapter 17.110
Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard

☒ Landscaping which is inadequately maintained or which is not installed as required by city codes or any permit issued in accordance with such codes. OMC 8.24.020 (5) **Violation Location: ☒ Front ☐ Side ☐ Rear/Backyard**

☐ Matter including but not limited to smoke, odors, dust, dirt, debris, fumes, and sprays which is permitted to be transported by wind or otherwise upon any street, course, alley, sidewalk, yard, park, or other public or private property and which is determined to be a violation of federal, state, regional, or local air quality regulations. OMC 8.24.020 (6)
Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard

☐ Property including, but not limited to building facade, window, doorway, driveway, walkway, fence, wall, landscaped planter or area, sidewalk, curb, and gutter, and edge of street pavement on which dirt, litter, vegetation, garbage refuse, debris, flyers, or circulars have accumulated. OMC 8.24.020 (7) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**

☐ Property on which a swimming pool, pond, stream, or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. OMC 8.24.020 (8)

Property Maintenance (cont'd)

- ☐ Parking lots, driveways, paths, and other areas used or intended to be used for commercial and industrial business activities including, but not limited to, selling, manufacturing, processing, packaging, fabricating, treating, dismantling, processing, transferring, handling, transporting, storing, compounding, or assembling which are inadequately maintained and pose a risk of harm to public health or safety including, but not limited to, unpaved surfaces which generate fugitive dust and paved surfaces with cracks, potholes, or other breaks. OMC 8.24.020 (9)
- ☐ Property on which recyclable materials (goods, vehicles, machinery, appliances, product or article, new or used), are openly stored (not in an enclosed building). OMC 8.24.020 (10) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**
- ☐ Property which is not securely fenced or adequately lighted to prevent illegal access and activity related to the dumping of garbage, waste, debris and litter. OMC 8.24.020 (11)

Property which creates a dangerous condition (OMC 8.24.020 E)

- ☐ Property having a topography, geology, or configuration which, as a result of grading operations, erosion control, sedimentation control work, or other improvements to said property, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems as to harm or pose a risk of harm to adjacent properties. OMC 8.24.020 (1)
- ☐ Property where any condition or object obscures the visibility of public street intersect4ions to the public so as constitute a hazard including, but not limited to, landscaping, fencing, signs, posts, or equipment. OMC 8.24.020 (2)
- ☐ Conditions which due to their accessibility to the public pose a hazard including, but not limited to, unused and broken equipment, abandoned wells, shafts, or basements, hazardous or unprotected pools, ponds, or excavations structurally unsound fences or structures, machinery which is inadequately secured or protected, lumber, trash, fences or debris that may pose a hazard to the public, storage of chemicals, gas, oil, or toxic or flammable liquids OMC 8.24.020 (3)

Parking, Storage or Maintenance of Areas Zoned for Residential Use (OMC 8.24.020 F)

- ☐ Any construction or commercial equipment, machinery, material, truck or tractor or trailer or other vehicle have a weight exceeding 7,000 pounds, or recyclable materials, except that such items may be temporarily kept within or upon residential property for the time required for the construction of installation of improvements or facilities on the property. OMC 8.24.020 (1) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**
- ☐ Trailers, campers, recreational vehicles, boats, and other mobile equipment for a period of time in excess of 72 consecutive hours in front or side yard area. OMC 8.24.020 (2) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**
- ☐ Any parking, keeping or storing of items in the side or rear yard areas shall be either in an accessory building constructed in accordance with the provisions of this code or in an area which provides for a 5-foot setback from any property line. OMC 8.24.020 (2a) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**
- ☐ 1500 sq. feet or at least 60 percent of the remaining rear yard, whichever is less, must be maintained as usable outdoor recreational space. 8.24.020 (2b)
- ☐ No item shall be parked, stored or kept within 5 feet of any required exit, including existing windows. OMC 8.24.020 F. (2c)
- ☐ Any motor vehicle which has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle which is disabled or which may not be operated because of the need for repairs or for any other reason for a period of time in excess of 72 hours. OMC 8.24.020 (3) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**
- ☐ Any refrigerator, washing machine, sink, stove, heater, boiler, tank or any other household equipment, machinery, furniture, or other than furniture designed for outdoor activities, appliances, or any parts of any of the listed items for a period of time in excess of 72 hours. OMC 8.24.020 (4) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**
- ☐ Storing or keeping packing boxes, lumber, dirt and other debris, except a allowed by this code for the purpose or construction, in any setback areas visible from public property or neighboring properties for a period of time in excess of 72 hours. OMC 8.24.020 (5) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**
- ☐ No item covered by this section shall be parked, stored, or kept between the front lot line and the front wall of the facility, including the projection of the front wall across the residential property lot line, except where such item is located in an approved driveway or approved parking space. OMC 8.24.020 (6) **Violation Location: ☐ Front ☐ Side ☐ Rear/Backyard**

Activities Prohibited in Areas Zoned for Residential Uses (OMC 8.24.020 G)

- ☐ Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing, in any setback area of any airplane, aircraft, motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property. OMC 8.24.020 (1)
- ☐ Any owner, leasee or occupant of residential property may repair, wash, clean or service any personal property which is owned, leased or rented by such owner, lease or occupant of such property. Any such repairing or servicing performed in any such areas shall be completed within a 72 hours period. OMC 8.24.020 (1a)
- ☐ A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property. OMC 8.24.020 (1b)
- ☐ A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard which is a legal nonconforming use. OMC 8.24.020 (2c)

- ☐ The use of any trailer, camper, recreational vehicle or motor vehicle for living or sleeping quarters in any place in the city, outside of a lawfully operated mobile home park or travel trailer park OMC 8.24.020 (2)
- ☐ Guests occupying a trailer, camper, or recreational vehicle upon a residential premise exceeding 72 hours. OMC 8.24.020 (2a)
- ☐ Trailer, camper, or recreational vehicles shall not discharge any waste or sewage into the city's sewage system except through the residential discharge connection of the residential premises on which it is parked. OMC 8.24.020 (2b)

Permit Requirement OMC 8.24.020 (H)

- ☐ Any use of property which does not have all required permits pursuant to city codes or where such permits have expired or been revoked.

General Conditions (OMC 8.24.020 I)

- ☐ Any condition which is detrimental to the public health, safety or general welfare or which constitutes a public nuisance. OMC 8.24.020 (1)
- ☐ Any condition of deterioration or disrepair which substantially impacts on the aesthetic or economic value of neighboring properties OMC 8.24.020 (2)

9430 Bancroft Avenue 5-2-18 Case #1800974



















County Assessor Display

Assessor Parcel Record for APN 046- -5474-022-04

Parcel Number:	46-5474-22-4
Property Address:	9430 BANCROFT AVE, OAKLAND 94603
Owner Name:	MOTTE TOMMIE J
Care of:	
Attention:	
Mailing Address:	9430 BANCROFT AVE, OAKLAND CA 94603-1829
Use Code:	SINGLE FAMILY RESIDENTIAL HOMES USED AS SUCH
Recorder Number:	2015-235287
Recorder Date:	8/24/2015
Mailing Address Effective Date:	8/24/2015
Last Document Input Date:	10/22/2015
Deactivation Date:	
Exemption Code:	

Home | Enter Assessor Parcel Number | Property List | Assessments | Property Details | GIS Parcel Map | Alameda County Web Site | Use Codes

