



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT

Chris Bazar  
Agency Director

July 30, 2008

Bernie Shanklin  
1824 Almond Avenue  
Livermore, CA 94550

Albert Lopez  
Planning Director

**Subject: Declaration of Public Nuisance - Notice to Abate**

201  
West Warden Ave.  
Livermore, CA

The purpose of the Alameda County Zoning and Neighborhood Preservation Ordinance is to maintain Zoning standards and to improve the general appearance of private property in unincorporated Alameda County. The Code Enforcement Division is responsible for inspecting property and identifying violations of these County Ordinances. On **June 17, 2008**, I determined that a violation exists on the property located at:

Hayward  
California  
94541

**1824 Almond Avenue, Livermore, CA 94550**

Phone:  
925.207.3000

Fax:  
925.207.3000

www.alameda.gov

The specific violation is: **Unlawful outdoor storage of car parts including but not limited to piles of doors and tires; debris; trash; boxes; bricks; metal scraps; ladders; window panes; lumber; plastering equipment; miscellaneous items; overgrown vegetation and weeds; several inoperative vehicles (belonging to owner); five (5) cargo containers; and operating a plastering business from the property in violation of Alameda County Neighborhood Preservation Ordinance 6.64.040 A (1), A (2), A (3), A (4), B (1), B (2), H (1), H (2), H (3), J (1) and the Alameda County Ordinances 17.08.030, 17.52.210, 17.52.290 and 17.52.430.** A copy of the applicable Ordinance sections are enclosed for your review.

**PLEASE NOTE:** The following measures must be taken in order to bring your property into compliance with the Ordinance:

- 1) **Remove all car parts and miscellaneous items including but not limited to the piles of doors and tires; debris; trash; boxes; bricks; metal scraps; ladders; window panes; lumber; plastering equipment; and miscellaneous items from the property;**
- 2) **Cut, prune and remove the overgrown vegetation and weeds including but not limited to the vegetation growing into the public right-of-way and comply with Ordinance;**
- 3) **Remove all inoperative vehicles from the property; store in an enclosed building; or restore to operative condition. If the vehicles are operative, please contact me to set an appointment to verify this. All operative vehicles must be parked on an all-weather surface;**
- 4) **Cease operating plastering business from the property and remove all plastering equipment; and**
- 5) **As per the Board of Supervisors' Meeting of June 10, 2008, the cargo containers are to be removed from the property once the accessory building is constructed.**

The property will be inspected again in **15 days** of this letter. **You do not need to be present for this inspection.** However, if you would prefer to be in attendance, you may call to schedule an appointment. For first violations, if satisfactorily corrected, there will be no charge and the matter will be closed. However, if the property is not brought into compliance **a minimum \$94.00 reinspection fee will be assessed** and, additional enforcement action will be taken. Subject to an abatement hearing where an "Abatement Order" is issued, the County will order clean-up/correction of violations on the property by County contractors. All costs related to County contractor actions, Code Enforcement



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Albert Lopez  
Planning Director

11  
2301 Winston Ave  
Room 111

Hayward  
California  
94541

Phone:  
(510) 471-3000  
Fax:  
(510) 471-3000

http://www.acda.org

staff time, hearing costs and administrative fees will be charged to the property owner(s). If payment is not received for these services in the time prescribed by Ordinance, a lien will be recorded against the property for the amount due. **(NOTE: This property is now subject to \$500.00 fines if future violations occur.)** To avoid further enforcement action, County staff will work with you to resolve this matter. If you have any questions, please feel free to call me at (510) 670-5797.

Your cooperation in this matter would be appreciated.

CODE ENFORCEMENT DIVISION

Lacy Starling  
Zoning Investigator III  
Alameda County CDA

Enclosure(s)

cc: Peter MacDonald, 400 Main Street, Suite #210, Pleasanton, CA 94566

4. Except as allowed under Alameda County General Code Sections 17.52.310 (Accessory building - In front yard) and excluding any standard walkway or driveway, parking or storage of vehicles in the front yard or street side yard exceeding more than fifty (50) percent of the width of the lot;

I. Vehicle Repair.

1. The performance of major mechanical or body repairs, or dismantling of any motorized or nonmotorized vehicle, unmounted camper top, boat or part thereof, in a location visible from the street. This section shall not prohibit the registered owner of a vehicle or boat, or part thereof, from performing minor repair on said vehicle in the driveway or other paved surface of a residence, provided that the vehicle or boat is registered to someone living at the residence and that any such minor repair is completed within seventy-two (72) hours;

J. Sidewalks, Parking Strips and Gutters.

1. Allowing the accumulation of any material, the placement of any object, or any overgrown vegetation that obstructs the view of drivers on public streets or private driveways, or substantially obstructs the use of a public sidewalk area;

2. Allowing overgrown vegetation or the accumulation of abandoned, discarded or dilapidated objects, including but not limited to broken or neglected equipment, machine parts, scrap material, appliances, furniture, household equipment and furnishings, shopping carts, containers, vehicle parts, packing materials, salvage materials, firewood, plant cuttings, litter, rubbish and debris or similar materials in that area between the sidewalk and the curb commonly known as a "parking strip";

3. Allowing the accumulation of leaves, litter, debris or weeds in the gutter in front or street side of any property;

K. Garage Sales.

1. Garage sales in excess of two per property in any calendar year, and any garage sale lasting longer than two consecutive days unless otherwise authorized by the enforcement officer;

L. Miscellaneous.

1. Any other condition or use of a property that gives rise to a reasonable determination by the enforcement officer that such condition or use represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature; or that is out of harmony with the standards of properties in the vicinity so as to cause a diminution of the enjoyment and use of the property; or contributes to blight or property degradation. (Ord. 99-49 § 1 (part); Ord. 93-86 § 1 (part); prior gen. code § 3-302.0)

6.64.040 Unlawful rural residential property nuisance.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any rural residentially property in the county to maintain the property or to allow the property to be maintained in a manner that any of the following conditions are found to exist thereon and be visible from a public street or approved private street for an unreasonable period of time as determined by the enforcement officer, except as may be allowed by any other provision of law, or when existing in conjunction with a lawfully existing home occupation use. The prohibited conditions are:

A. Unlawful Outdoor Storage.

1. The accumulation of abandoned, discarded or dilapidated objects, including but not limited to broken or neglected equipment, machine parts, scrap material, appliances, furniture, household equipment and furnishings, shopping carts, containers, packing materials, salvage materials, firewood, plant cuttings, litter, rubbish and debris or similar materials that constitute a threat to the health or safety of any person or contribute to blight and property degradation. Upon written notice that sets forth prohibited conditions on vacant lots, the enforcement officer may order the property to be enclosed by chain link or equal fencing;

2. The accumulation of dirt, sand, gravel, concrete, or other similar material not incorporated into landscaped areas on the property;

3. Attractive nuisances generally considered dangerous to children including abandoned, broken, or neglected vehicles, equipment, machinery, refrigerators and freezers; or hazardous pools, ponds and excavations;

4. Boats, trailers, camper shells, recreational vehicles, vehicle parts or other articles of personal property that are left in a state of partial construction, or disrepair;

B. Landscaping and Vegetation.

1. Dead or hazardous trees, or other vegetation that is unsightly or dangerous to public health, safety and welfare;

2. Overgrown vegetation likely to: harbor rats, vermin and other nuisances dangerous to public health, or grow into the public right-of-way such that it obstructs the view of drivers on public streets or private driveways, or blocks the free use of a public sidewalk;

C. Trash and Recycling Containers.

1. Trash, garbage, recycling or greenwaste cans, bins, boxes or other such containers stored for more than forty-eight (48) hours including trash and recycling pick-up day for such property in any front or street side yard, public street, private driveway and public sidewalk area unless otherwise authorized by the enforcement officer;

2. Permanent dumpsters, debris boxes and other such trash containers that are unscreened from view from the street;

3. Trash or garbage containers, permanent dumpsters, debris boxes and other such trash containers without covers that fit securely; this provision shall not apply to debris boxes or recycling containers;

D. Buildings and Structures.

1. Buildings that are dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials, or that are left in a state of partial construction or demolition, or disrepair;

2. Buildings that are unpainted (except color coated or natural finish coated), or where the paint on the building exterior is mostly worn off, cracked, or peeling; or where roofing or other exterior materials or components are deteriorated, mostly infested with dry rot, or warped so as to constitute an unsightly appearance; or contributes to conditions which cause blight and property degradation;

F. Fences and Gates.

1. Fences, gates, and similar structures that are sagging, leaning, missing boards, fallen, or otherwise in an unsafe condition; or constitute an unsightly appearance; or are left in a state of partial construction or disrepair;

G. Graffiti.

1. Graffiti including but not limited to words, symbols or drawings on the exterior of any building, fence, wall, pole, or other structure or object on a property;

H. Parking Limitations.

1. Wrecked vehicles, recreational vehicles, travel trailers, utility trailers, unmounted camper tops or boats with significantly cracked or dust-covered wind shields, mostly peeling or faded paint, flat tires or major body damage stored in violation of Alameda County General Code Sections 17.52.330 (Yard regulations) and where applicable, 17.30.150 (RV combining district - Regulations);

2. Recreational vehicles, travel trailers, utility trailers, unmounted camper tops and boats stored in violation of Alameda County General Code Sections 17.52.330 (Yard regulations) and where applicable, 17.30.150 (RV combining district - Regulations);

3. Vehicles parked or stored on other than a driveway or parking area constructed with an all-weather, dust-free surface of compacted crushed gravel, asphalt, concrete, brick, or similar material extending at least twenty (20) feet from road right-of-way;

I. Garage Sales.

1. Garage sales in excess of two per property in any calendar year, and any garage sale lasting longer than two consecutive days unless otherwise authorized by the enforcement officer;

J. Miscellaneous.

1. Any other condition or use of a property that gives rise to a reasonable determination by the enforcement officer that such condition or use represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature; or that is out of harmony with the standards of properties in the vicinity so as to cause a diminution of the enjoyment, and use of the property; or contributes to blight or property degradation. (Ord. 99-49 § 1 (part); Ord. 93-86 § 1 (part); prior gen. code § 3-302.0)

6.64.050 Unlawful nonresidential property nuisance.

It shall be unlawful for any person owning, leasing, renting, occupying, or having charge or possession of any nonresidential zoned property in the county to maintain the property or to allow the property to be maintained in a manner that any of the following conditions are found to exist thereon and be visible from public street or approved private street for an unreasonable period of time as determined by the enforcement officer, except as may be allowed by any other provision of law, or when existing in conjunction with a lawfully existing business use. The prohibited conditions are:

A. The accumulation of abandoned, discarded, or dilapidated objects, including but not limited to broken or neglected vehicles, equipment, machine parts, scrap material, appliances, furniture, household equipment and furnishings, shopping carts, containers, packing materials, salvage materials, firewood, plant cuttings, litter, rubbish and debris or similar materials that constitute a threat to the health or safety of any person or contribute to conditions that cause blight and property degradation. Upon written notice that sets forth prohibited conditions on vacant lots, the enforcement officer may order the property to be enclosed by chain link or equal fencing;

B. Attractive nuisances generally considered dangerous to children including abandoned, broken, or neglected equipment, machinery, refrigerators and freezers; or hazardous pools, ponds, and excavations;

C. Overgrown vegetation likely to harbor rats, vermin or other nuisances dangerous to public health, safety, and welfare; or obstructs the view of drivers on public streets or private driveways, or substantially obstructs the use of a public sidewalk area;

D. Except in the Agricultural District, weeds, dead or hazardous trees, and other vegetation that is unsightly