



Notice of City Intention to Abate and Remove Public Nuisance

Case: CC2017-0573

August 21, 2018

Green Byant & French, LLP
402 West Broadway
Suite 1950
San Diego CA 92101

Dear Property Owner:

As Property Owner shown on the last equalized assessment roll of the land located at Assessor Parcel Number 212-101-67-00, you are hereby notified that there continues to exist on your property a public nuisance in violation of Carlsbad Municipal Code 6.16.010, described in further detail below. The nuisance has **not** been abated as required by a city-issued notice of violation issued to you on November 01, 2017, which was upheld by an administrative hearing officer decision and order dated April 1, 2018. Per Carlsbad Municipal Code 6.16.040(A), the City Manager, therefore, has authorized and directed the abatement of the identified nuisance by city agents, employees or by private contract, and in connection therewith such city agents or employees, or such private contractors and their employees, are authorized to enter upon your property at the convenience of the city agents or employees to abate the nuisance as set forth below and subsequently assess you for the costs of this abatement in accordance with Carlsbad Municipal Code sections 6.16.050 through 6.16.090.

The nuisance description and abatement action to be taken by the City of Carlsbad or its agents is described below:

The property located at **Assessor Parcel Number 212-101-67-00, Carlsbad, California** has been maintained in a condition which is adverse or detrimental to public peace, health, safety, the environment or general welfare due to **slope failure. The destabilized slope has created damage to the public right of way and road improvements. Specifically, the destabilized slope located along the southeast side of Camino Hills Drive at its intersection with Jackspar Drive has led to the damage of city property including the curb, gutter, sidewalk and asphalt pavement assets in this area. The premises is also hazardous to public health and safety due to the possible catastrophic failure of the slope in which homes are set upon, particularly following a rain event.** Due to the fact that the above-noted violations remain on the premises, the slope failure will be abated by city agents, employees or private contractors by construction of slope stabilization and repairs to the public right of way.

Community & Economic Development

Building Division 1635 Faraday Avenue | Carlsbad, CA 92008 | 760-602-2700 t

Please note that you shall subsequently be responsible for maintaining the property in a clean, safe condition and shall remain in full compliance with all applicable city codes following completion of the city abatement of the public nuisance on your property.

The city will proceed with abatement of the noted public nuisance on your property at its earliest convenience. An invoice for the costs of the abatement shall be forwarded to you under separate cover following completion of the abatement, along with separate instructions as to how you may appeal those costs and potential further action to be taken by the city to collect those costs. See also Carlsbad Municipal Code sections 6.16.050 through 6.16.090. The current estimate for city abatement of said public nuisance from your property is \$750,000 for stabilization of the slope.

Please contact my office at 760-434-2818 or Public Works Associate Engineer, Jonathan Schauble, at (760) 602-2762 if you have questions regarding the abatement process.

Robbie Hickerson
Senior Code Enforcement Officer

C: Code Compliance Case File

Authorization to Abate and Remove Public Nuisance

Case: CC2017-0573

9/20/18
(Date)

TO: CODE ENFORCEMENT OFFICER
FROM: CITY MANAGER

Per Carlsbad Municipal Code 6.16.040, you are hereby authorized and directed to abate and remove the identified public nuisance by city agents, employees or by private contract, and in connection therewith such city agents or employees, or such private contractors and their employees, are authorized to enter upon the subject property at the convenience of the city agents or employees to abate the nuisance as set forth below and subsequently assess the property owner for the costs of this abatement in accordance with Carlsbad Municipal Code sections 6.16.050 through 6.16.090. Estimated abatement costs are \$750,000.

Address: APN 212-101-67-00, Carlsbad, California

Final Notice of Violation Date: November 01, 2017

Deadline for Compliance (including an extension): November 11, 2017

Appeal Hearing Dates: March 6, 2018 & March 20, 2018

Notice of Violation Upheld: April 1, 2018 (by administrative decision and order)

Property Owner: Camino Hills Homeowners Association C/O Champs, represented by Elizabeth A. French of Green, Bryant & French, LLP.

Status: Non-Compliance

The nuisance description and abatement action to be taken by the City of Carlsbad or its agents is described below:

The above-identified property has been maintained in a condition which is adverse or detrimental to public peace, health, safety, the environment, or general public welfare due to **slope failure**. The failing slope has caused damage to the public right of way and road improvements. Specifically, the destabilized slope located along the southeast side of Camino Hills Drive at its intersection with Jackspar Drive has led to the damage of city property including the curb, gutter, sidewalk and asphalt pavement assets in this area. The premises is also hazardous to public health and safety due to possible catastrophic failure of the slope in which homes are set upon, particularly following a rain event.

The portion of this public nuisance shall be abated by city agents, employees or by private contract by:

The abatement will consist of construction of the slope stabilization and repairs to the public improvements. (Estimated Cost: \$750,000 for abatement, to be drawn from the Capital Improvement Program fund.)



Scott Chadwick
City of Carlsbad City Manager

Attachment – Notice of City Intention to Abate and Remove Public Nuisance

C: Code Compliance Case File