



Calaveras County Code Compliance

Phone (209) 754-6326

Fax (209) 754-6328

891 Mountain Ranch Road, San Andreas, CA 95249

Website: <http://building.calaverasgov.us/CodeCompliance.aspx>

ADMINISTRATIVE HEARING BOARD Staff Report

Hearing Date	March 23, 2023
Project Number/Name	CE22-0229 Appeal of Code Compliance Citation
Supervisory District Number	District 3
Assessor's Parcel Number(s)	066-024-037
Code Compliance Officer	Thomas Watts

PROJECT DESCRIPTION: Golden Ehao LLC is appealing the Order to Vacate, Administrative Citation, and Fine issued by the Calaveras County Code Compliance Department on December 15, 2022.

APPELLANT/LANDOWNER:

GOLDEN EHAO LLC
7817 OAKPORT ST, SUITE 205
OAKLAND, CA 94621

PROJECT LOCATION: The 45.48-acre subject property is located at 1910 Hwy 4, Douglas Flat, PCL 3 OF PCL MAP 3 28 IN 17 T3R14.

TIMELINE OF EVENTS:

On December 14, 2022, the Calaveras County Code Compliance Unit received a call from the Calaveras County Sheriff's Office regarding possible code violations discovered during the execution of a search warrant at 1910 Hwy 4, Douglas Flat.

Code Enforcement Officer Thomas Watts inspected the property and found numerous violations resulting from the conversion of two large metal buildings into indoor cannabis grows. The condition of these buildings posed a sufficient danger to health & safety to necessitate placarding both buildings as substandard structures. Photos taken during the inspection are included in the attachments. (Attachment A)

On December 15, 2022, an Order to Vacate, Administrative Citation, and Fine was issued to the property owner, Golden Ehao LLC. The same day, the citation was mailed by first class and certified USPS mail to the address on record with the Calaveras County Assessor's Office, and a copy was posted on the gate to the property. On December 27, 2022 the certified return receipt was delivered to Code Compliance showing that the certified copy was received and signed for by Yun Liu, with no date of delivery provided. (Attachment B)

The citation was issued for the following violations:

Calaveras County Code §8.06.120 Unsafe structures; *two metal buildings have been converted to indoor cannabis grows with unpermitted rooms, unpermitted electrical & mechanical installations, and mold contamination. Both buildings have been determined to be unsafe and may not be occupied except to make necessary repairs.*

International Property Maintenance Code §302.8 Motor vehicles; *unregistered and/or inoperable vehicles stored on property*

International Property Maintenance Code §308.1 Accumulation of rubbish or garbage; *large amount of junk and debris throughout the property*

On December 21, 2022, Code Enforcement Officer Watts received a call from Gene Lou, who stated that he was the property manager for Golden Ehao LLC. Mr. Lou said that they had leased the property and he would not be able to get out there until after Christmas; however, he would contact the Building Department to determine what permits would be needed to correct the violations. Officer Watts explained that any disputes between the owner and the tenant are a civil matter, and that ultimately the property owner would be responsible for correcting any violations.

On January 3, 2023, Code Compliance received a letter of appeal from Mr. Lou, which states, 'I am kindly requesting that you reconsider the determination that the Vehicles and Garbage are unsafe, dangerous, and against regulations.' The letter of appeal does not appear to dispute the unsafe structure violation relating to the indoor cannabis grows, and points out that they have already applied for a repair permit for one of the buildings. (Attachment C)

As of March 10, 2023, Mr. Lou has applied for two commercial repair permits; one for each of the two metal buildings that were converted to indoor grows. One of these permits (B22-2486) has been finalized. The other (B23-0033) is showing as still under review by the Building Department; however, both buildings have been inspected and signed off by a building inspector. The unsafe structure violations have been fully corrected but the junk vehicles and junk and debris remain outstanding.

On March 7, 2023, a Notice of Hearing was mailed by regular & certified USPS mail to Golden Ehao LLC, at the address of record, informing them of the date of the appeal hearing (Attachment D). A copy was also emailed to Gene Lou. A Notice of Public Hearing was published in the Valley Springs News on March 10, 2023.

ANALYSIS:

Each of the determinations made in the citation are explained below.

Calaveras County Code §8.06.120.A states:

'Unsafe Structures. An unsafe structure is a structure that is unfit for human occupancy or is found to be dangerous to the public health and safety by not providing minimum safeguards to protect occupants in the event of fire, or

because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible.'

Within both metal buildings, several indoor cannabis grow rooms had been constructed which contained unpermitted and unsafe electrical and mechanical installations (electrical subpanels, CO2 generators, A/C units, grow lights, and wiring). In some of these rooms, raised beds filled the entire floor space so that one would have to climb into the room to access anything inside, and would subsequently have little chance of escaping in the event of a fire. Additionally, the door at the east end of the larger metal building was blocked from the outside by pallets and other junk, preventing anyone from exiting that side of the building. Mold contamination was also found in several areas of both buildings. Both buildings were placarded as unsafe structures and were required to be vacated immediately due to the danger to health & safety.

International Property Maintenance Code §302.8 states:

'Motor vehicles. Except as provided for in other regulations, inoperative, or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.'

At the time of the inspection, there were three unlicensed trucks stored on the property.

International Property Maintenance Code §308.1 states:

'Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.'

International Property Maintenance Code §202 defines rubbish and garbage as follows:

'Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.'

'Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.'

Rubbish was found in several areas of the property, but mostly surrounding the larger metal building. This includes, but is not limited to, wooden pallets, A/C units, metal drums, irrigation piping, tires, computer equipment, and furniture.

While each of the determinations listed above are violations in their own right, Calaveras County Code §8.06.060 states:

'Public nuisances prohibited. It shall be unlawful for any owner, occupant, tenant, operator, or other person to cause or maintain a public nuisance on any premises.'

Calaveras County Code §8.06.050 defines a public nuisance as follows:

"Public nuisance" or "nuisance" means:

- 1. Any condition caused, maintained, or permitted to exist which constitutes a threat to the public health, safety, or welfare or which is injurious to the senses or which significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood, community, or to any considerable number of persons. A public nuisance also has the same meaning as set forth under the California Civil Code;*
- 2. Any violation of the provisions of the Calaveras County Code as set forth in Titles 13, 15, and 17;*
- 3. Any violation of the Uniform Building Code, Uniform Fire Code, Uniform Housing Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code, Uniform Code for the Abatement of Dangerous Buildings, Uniform Administrative Code, or any other applicable law;*
- 4. Any accumulation of junk, debris, or junk cars, as defined in Title 17, on any parcel of land within sight of any other parcel of land or public or private roads, and which is not enclosed within four walls and a roof; or*
- 5. Any violation of the provisions of this chapter.*

The International Property Maintenance Code is adopted under Calaveras County Code §15.04.050.M:

Adoption of Uniform Codes.

The following publications are adopted by reference and incorporated in this code, except as expressly amended or superseded by the provisions of this chapter.

M. International Property Maintenance Code, 2018 edition, as published by the International Code Council.

To reiterate, while each of the determinations listed in the citation are violations of law in their own right, they can also be shown to be public nuisances prohibited under Calaveras County Code §8.06.060.

RECOMMENDATION:

Staff Recommends that the Administrative Hearing Board DENY the appeal of this citation.

Attachment A

**Photographs taken on December 14, 2022 by
Code Enforcement Officer Watts**

A-1:



A-2:



A-3:



A-4:



A-5:



A-6:



A-7:



A-8:



A-9:



A-10:



A-11:



A-12:



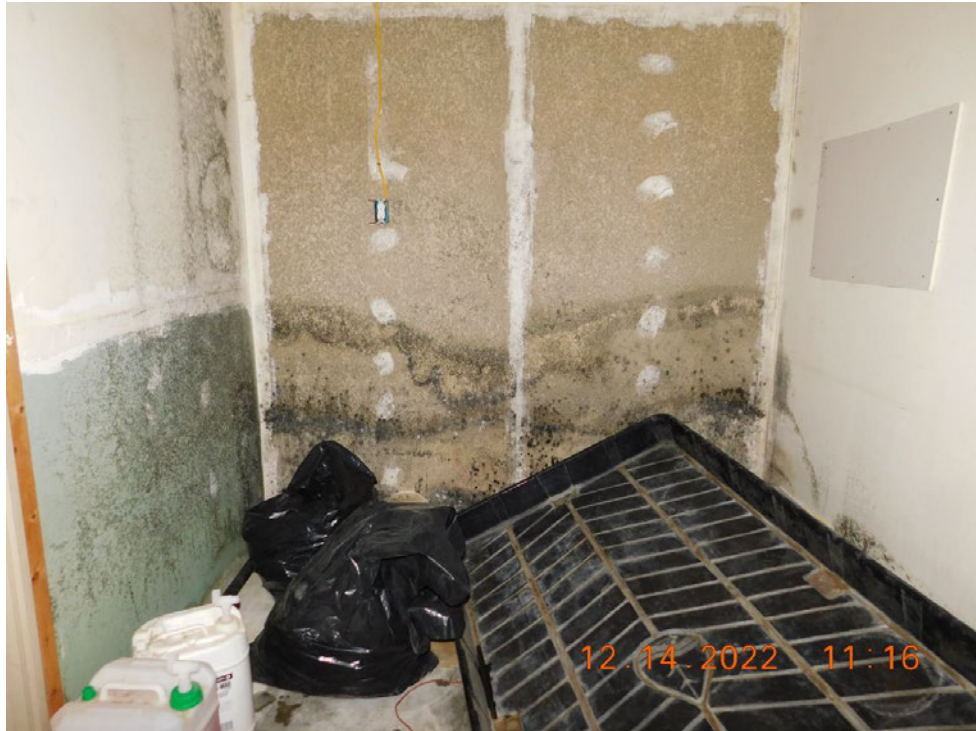
A-13:



A-14:



A-15:



Attachment B

**Order to Vacate, Administrative Citation, and
Fine, certified mail receipt, and posting**

B-1:



Calaveras County

Building Department

(209) 754-6390
(209) 754-6396 fax

Code Compliance

(209) 754-6326
(209) 754-6328 fax

Website: www.co.calaveras.ca.us

ORDER TO VACATE, ADMINISTRATIVE CITATION, AND FINE

Case Number: CE22-0229

Date of Notice: 12/15/2022

Date and Time Violations Observed: 12/14/2022 11:00

APN #(s): 066-024-037

Site Address: 1910 HWY 4, DOUGLAS FLAT

Name: GOLDEN EHAO LLC

Mailing Address: 7817 OAKPORT ST, SUITE 205, OAKLAND, CA 94621

YOU ARE HEREBY ORDERED to vacate the dwelling and/or premises by 12/15/2022.

This dwelling and/or premises shall remain vacant until the following conditions have been corrected:

- ☐ **Calaveras County Code §8.06.120 Unsafe structures;** two metal buildings have been converted to indoor cannabis grows with unpermitted rooms, unpermitted electrical & mechanical installations, and mold contamination. Both buildings have been determined to be unsafe and may not be occupied except to make necessary repairs.
- ☐ **International Property Maintenance Code §302.8 Motor vehicles;** unregistered and/or inoperable vehicles stored on property
- ☐ **International Property Maintenance Code §308.1 Accumulation of rubbish or garbage;** large amount of junk and debris throughout the property

You must obtain the required permits, and repair or demolish the buildings and premises to correct the conditions set forth above.

Please note that the two metal buildings have been placarded as unsafe structures and shall not be occupied until the violations have been corrected. The buildings may only be entered to make necessary repairs during daylight hours.

A case management fee of **\$804** has assessed against the subject property. In addition, a fine of **\$100.00** per day, per violation, shall accrue on a daily basis until the County has received proof of abatement. The violation **shall also be subject to abatement** by the County pursuant to County Code Chapter 8.06. If the County physically abates the violation(s), you are responsible for all costs associated with the abatement, which may be recovered via a lien on the property. **SEE REVERSE SIDE for payment instructions, appeal rights, and other important information.**


Thomas Watts

Calaveras County Code Enforcement Officer

TWatts@co.calaveras.ca.us

Government Center
891 Mountain Ranch Road San Andreas, CA 95249-9709

County of Calaveras Code Chapter 8.06 provides for the issuance of administrative citations for Code violations and for the assessment of fines.

Each day any violation exists is a separate offense, starting with the first day of documentation by the County, and will carry an independent fine. If you fail to correct the violation(s) noted on the front side of this notice and citation within the time specified, fines may be imposed as follows: \$100.00 per violation for the first day, and \$100.00 per violation per day for each calendar day thereafter that the violation exists on the premises (§8.06.430). A second violation within one year may result in a fine of \$200 per day, per violation. Any subsequent violations within one year may result in a fine of \$500 per day, per violation. The County may also seek from the Board of Supervisors an abatement order and a lien to recover costs of abatement. **If the County is forced to incur abatement costs, it may result in the placement of a lien on your property for payment prior to the next property tax billing cycle.**

Consequences of Failure to Correct Violation(s):

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to, civil penalties, abatement by Calaveras County with costs assessed as a lien on property taxes, criminal prosecution, civil litigation, recording the violation with the County Recorder, and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the County to collect fines, demolish structures, make necessary repairs at the owner's expense, and incarcerate violators. Any of these options or others may be used if the administrative citation(s) do not achieve compliance.

Right of Appeal:

You have the right to appeal the imposition of an administrative citation and fine within fifteen (15) days from the date the citation is issued. Your appeal must be made in writing and received by the Calaveras County Code Compliance Unit by or before 4:00 p.m. on the 15th day. You may hand deliver or mail the written appeal to Administrative Hearing Board, c/o Calaveras County Code Compliance Unit, 891 Mountain Ranch Rd., San Andreas, CA, 95249. A proper timely appeal will result in an administrative hearing and an opportunity to appear before the administrative hearing board. (§8.06.600)

Failure of any person to properly file a written appeal within fifteen (15) days shall constitute a waiver of his or her right to an administrative hearing, including adjudication of the administrative citation or any part of it and the total amount of the fine. **Unless a written appeal request is timely received, the violation(s) shall be deemed admitted, the fine and obligation for abatement costs shall be deemed accepted, and upon ratification by the Board of Supervisors, this shall be deemed an abatement order authorizing the County to physically abate the violation.**

If the violations are upheld by the administrative hearing board you will be responsible for the costs of appeal and all other administrative costs incurred by the County of Calaveras, its Agents, and Contractors. Any finding or recommendation by the administrative hearing board will be considered a formal recommendation to the Board of Supervisors. A copy of the statement of decision, findings and recommendations by the administrative hearing board will be submitted to the Board of Supervisors, and the matter will then be agendized for ratification or modification.

How to Pay Fines and Administrative Costs:

The amount of the fine is indicated on the front of this notice of violation, order to abate, and administrative citation. **Payment may be made in person or by mail to Calaveras County, Code Compliance Unit, 891 Mountain Ranch Rd., San Andreas, CA. 95249.** Payment should be made by cash, personal check, cashier's check or money order. Be sure to write the citation number on your check or money order, **made payable to Calaveras County**, and enclose a copy of the citation. **Do not mail cash.**

Consequences of Failure to Pay:

The County has the authority to collect all fines accrued, administrative costs associated with compliance, and actual costs of abatement. The failure to pay these fines and costs may result in the matter being referred to the County Counsel to initiate a civil or small claims court action. Alternatively, the County may pursue any other legal remedy to collect the administrative fines and abatement costs, including but not limited to a lien. Lien assessments are due and payable in the next property tax cycle and must be paid at the time property taxes are paid.

If you need further clarification, please call the Code Compliance Unit at (209) 754-6326.

B-2:

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$
Total Postage **CE22-0229 | CE-003c**
 Sent To **GOLDEN EHAO LLC**
 Street and Apt **7817 OAKPORT ST SUITE 205**
 City, State, ZIP **OAKLAND, CA 94621**

PS Form 3800, April 2015 PSN 7530-02-000-0307 See Reverse for Instructions

7021 0350 0000 8593 6199 12/15

B-3:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
CE22-0229 | CE-003c
GOLDEN EHAO LLC
7817 OAKPORT ST SUITE 205
OAKLAND, CA 94621

2. Article Number (Transfer from service label)
7021 0350 0000 8593 6199

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Registered Mail
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature
☒ Agent
☐ Addressee

B. Received by (Printed Name)
Jun Lin

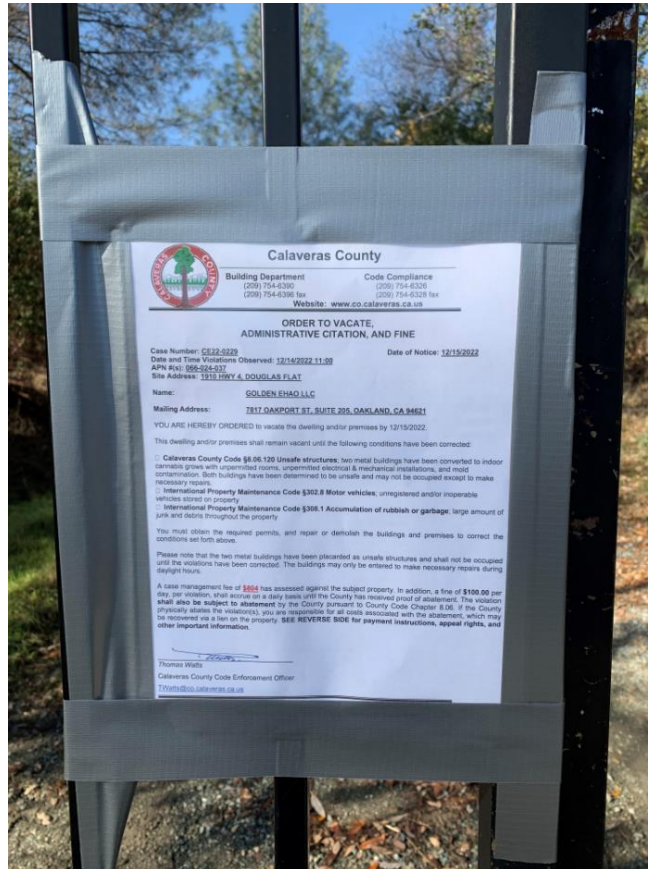
C. Date of Delivery
DEC 27 2022

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

RECEIVED
DEC 27 2022

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

B-4:



B-5:



Attachment C

Letter of Appeal

C-1:

Letter of Appeal

December 22, 2022

Case: CE22-0229

RECEIVED
JAN 03 2023
Calaveras County
Building Department

Golden EHao, LLC.

7817 Oakport St. #205

Oakland, CA 94621

Administrative Hearing Board

c/o Calaveras County Code Compliance Unit

891 Mountain Ranch Rd.

San Andreas, CA, 95249

To the Administrative Hearing Board:

I am writing this letter to appeal the citations issued by the City of Calaveras County against our property at the address of 1904 HWY 4, Douglas Flats. The citations were issued for two metal buildings that have been converted to indoor cannabis grows with unpermitted rooms,

unpermitted electrical and mechanical installations, and mold contamination. The other citation was for unregistered and/or inoperable vehicles stored on the property and a large amount of junk and debris that is accumulated throughout the property.

We leased the property to a tenant for spring water businesses, but they have been illegally converted without our knowledge. We understand that these are serious violations, and we are eager to work with the City to bring the property into compliance. We have applied for a demolition permit # B22-2486 with the County Building Department. I am confident that I will be able to make all necessary repairs to the buildings and that they will be safe and in compliance with all regulations.

We would like to point out, however, that the vehicles in question are all on private property and are farm vehicles. Furthermore, the junk and debris are part of a re-use and repurpose pile of materials and is not intended to be a permanent accumulation of rubbish and garbage.

I hope that this information can be taken into consideration, I am kindly requesting that you reconsider the determination that the Vehicles and Garbage are unsafe, dangerous, and against regulations. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a series of loops and a long horizontal stroke extending to the right.

Gene Lou, property manager

Golden Ehao LLC.

7817 Oakport St. # 205

Oakland, CA 94621

925-408-1538

300PendletonWay@Gmail.com

Attachment D

Notice of Public Hearing

D-1:



CALAVERAS COUNTY ADMINISTRATIVE HEARING BOARD
c/o CALAVERAS COUNTY CODE COMPLIANCE UNIT
891 MOUNTAIN RANCH RD., SAN ANDREAS, CA 95249

NOTICE OF PUBLIC HEARING

NOTICING AGENCY: Calaveras County Code Compliance
891 Mountain Ranch Rd.
San Andreas, CA 95249

CE22-0229 Golden Ehao LLC: Appeal of the Order to Vacate & Administrative Citation and Fine issued on December 15th, 2022. The property is 45.48 acres, zoned General Agricultural (A1). The property is located at 1910 Highway 4, Douglas Flat. APN: 066-024-037.

NOTICE IS HEREBY GIVEN that the **Calaveras County Administrative Hearing Board** will conduct a hearing on **March 23, 2023 at 9:00 a. m.** or soon thereafter to consider the appeal of **GOLDEN EHAO LLC** of an **Order to Vacate, Administrative Citation, and Fine** issued by the Calaveras County Code Compliance Department concerning the property located at **1910 Hwy 4, Douglas Flat**. The public hearing will be held in the Calaveras County Board of Supervisors Chambers, Government Center, 891 Mountain Ranch Road, San Andreas, California.

Administrative Hearing Board staff reports are made available for public viewing online at <http://calaverascountyca.igmp2.com/Citizens/Default.aspx> (select 'Planning Commission' from the Meeting Group drop down menu) on the Friday prior to the scheduled meeting.

Date of Notice – **March 7, 2023**

D-2:

6159 6658 0000 0500 1201

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
\$ _____

Extra Services & Fees (checkboxes, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage
\$ _____

Total Postage \$ _____

Sent To CE22-0229 – Notice of Hearing
GOLDEN EHAO LLC
7817 OAKPORT ST, SUITE 205
OAKLAND, CA 94621

City, State, ZIP+ _____

03/07
Postmark
Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions