



# CITY OF CLEARLAKE

## City Council

### STAFF REPORT

**SUBJECT:** To hear and act upon an appeal of an Order to Abate for 16036 14<sup>th</sup> Avenue, in accordance with Clearlake Municipal Code Chapter 18, Articles 41 and 42.

**MEETING DATE:** 06/02/2022

**SUBMITTED BY:** Lee Lambert, Code Enforcement Supervisor

**PURPOSE OF REPORT**      ☐ Information Only      ☐ Discussion      ☒ Action Item

**WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:** The City Council is being asked to confirm or deny the appeal of an Order to Abate for the illegal outdoor cultivation of marijuana at real property located at 16036 14<sup>th</sup> Avenue.

**BACKGROUND/DISCUSSION:** The purpose of this hearing is to consider and act upon any and all appeal(s) of an Order to Abate. Upon due consideration of the evidence and testimony submitted by staff and the appellant(s), the Council may:

1. Grant the appeal and adopt the Resolution, declaring that the outdoor cultivation of marijuana at said property is not constituted as a public nuisance ; or
2. Deny the appeal and adopt the Resolution, upholding the Abatement Order for the outdoor cultivation of marijuana at said property and direct the owner to abate the public nuisance.

The following is a summary identifying subject property(s) and property owner(s):

1. Location: 16036 14<sup>th</sup> Avenue Clearlake, CA 95422 A.P.N.# 042-332-160

Owner: Camacho, Cesar Carlos

Appellant(s): Camacho, Cesar Carlos

- ✓ An investigation was performed by a Clearlake Police Department Code Enforcement Officer on 05/16/22, at which time the illegal outdoor cultivation of marijuana within a "hoop style" greenhouse was observed.
- ✓ An Order to Abate and Administrative Citation was issued to the property owner on 05/19/2022, as well as posted on the property.
- ✓ The property owner submitted an appeal of the Order to Abate in a timely manner.

#### OPTIONS:

1. Move to grant the appeal of the Order to Abate and to read said Resolution by title only. A roll call vote shall follow the reading of said Resolution.

2. Move to deny the appeal of the Order to Abate and direct the owner(s) to abate the public nuisance, and to read said Resolution by title only. A roll call vote shall follow the reading of said Resolution.

**FISCAL IMPACT:**

☒ None      ☐ \$  Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$  .

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other: .

Comments: N/A

**STRATEGIC PLAN IMPACT**

☒ Goal #1: Make Clearlake a Visibly Cleaner City

☒ Goal #2: Make Clearlake a Statistically Safer City

☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities

☒ Goal #4 Improve the Image of Clearlake

☐ Goal #5 Ensure Fiscal Sustainability of City

☐ Goal #6: Update Policies and Procedures to Current Government Standards

☐ Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

1. Move to Adopt Resolution No. 2022-29: Resolution of the City Council of the City of Clearlake, denying the appeal of the Order to Abate and direct the owner(s) to abate the public nuisance, in accordance with Chapter 18, Articles 41 and 42 of the Clearlake Municipal Code

☒ **Attachments:**

- 1) Resolution # 2022-29 (Both Denying & Granting of Appeal)
- 2) Evidence
- 3) Request for Appeal / Public Hearing