

Agenda

City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION

REGULAR MEETING OF

OCTOBER 2, 2013

6:00 p.m.

CITY COUNCIL CHAMBERS

A. CALL TO ORDER - Persons wishing to speak on an agenda item are asked to complete an information card and present it to the secretary. The Planning Commission meeting is recorded to assist in the preparation of the minutes, and you are, therefore, asked to give your name and address prior to offering testimony. All testimony is to be given from the podium.

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CITY SURVEY TOUR – PLANNING COMMISSION TO VISIT THE FOLLOWING LOCATION:

1. 11116 New Jersey Street – Blossom Grove Memory Care Facility

E. ITEMS TO BE DELETED OR ADDED

F. ORAL REPORTS/PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (LIMITED TO 30 MINUTES; 3 MINUTES ALLOTTED FOR EACH SPEAKER) - This portion of the agenda provides opportunity to speak on an item, which is **NOT** on the agenda. Pursuant to the Brown Act, the Planning Commission can take no action at this time; however, the Planning Commission may refer your comments/concerns to staff, or request the item be placed on a future agenda.

G. NEW BUSINESS

None.

**H. AGENDA (THREE MINUTES IS ALLOTTED FOR EACH SPEAKER PER AGENDA ITEM)
PUBLIC HEARINGS**

1. **PUBLIC NUISANCE – A HEARING TO DETERMINE IF A PUBLIC NUISANCE EXISTS AT 26451 E. FIRST STREET (APN 0293-032-20), AND CONSIDERATION OF ADOPTION OF WRITTEN FINDINGS AND NOTICE TO ABATE.**

Staff Recommendation: Declare the property a public nuisance and proceed with abatement proceedings under the provisions of Loma Linda Municipal Code Chapter 9.12 by issuing Findings and Notice to Abate.

2. PUBLIC NUISANCE – A HEARING TO DETERMINE IF A PUBLIC NUISANCE EXISTS AT A VACANT PARCEL (APN 0283-245-12) LOCATED BETWEEN 25370 MEAD STREET AND 10741 JASMINE STREET , AND CONSIDERATION OF ADOPTION OF WRITTEN FINDINGS AND NOTICE TO ABATE

Staff Recommendation: Declare the property a public nuisance and proceed with abatement proceedings under the provisions of Loma Linda Municipal Code Chapter 9.12 by issuing Findings and Notice to Abate.

I. APPROVAL OF MINUTES – (LIMITED TO 5 MINUTES)

1. August 7, 2013

J. REPORTS BY THE PLANNING COMMISSIONERS

K. COMMUNITY DEVELOPMENT DIRECTOR REPORT

- L. ADJOURNMENT** - Reports and documents relating to each agenda item are on file in the Department of Community Development and are available for public inspection during normal business hours, Monday through Thursday, 7:00 a.m. to 5:30 p.m. The Loma Linda Branch Library can also provide an agenda packet for your convenience.



City of Loma Linda Official Planning Commission Report

From the Community Development Department

DATE: October 2, 2013
TO: Planning Commission
FROM: Konrad Bolowich, Assistant City Manager
SUBJECT: **PUBLIC NUISANCE – HEARING TO DETERMINE IF A PUBLIC NUISANCE EXISTS AT 26451 E. FIRST ST. (APN 0293-032-20)**

RECOMMENDATION

It is recommended that the Planning Commission declare that a public nuisance exists at 26451 E. First Street (APN 0293-032-20) to find that there is sufficient cause to abate the nuisance. Staff has prepared a draft FINDINGS OF NUISANCE AND NOTICE TO ABATE for consideration by the Commission that sets forth the specific conditions constituting the nuisance and the methods of abatement required to remediate the property.

BACKGROUND

The above referenced property was first observed on October 13, 2011. Staff contacted the property owner via certified USPS mail informing her of outstanding violations on her property. A total of three notices were sent, an in-person meeting at the owner's residence in Redlands, California, and several phone conversations with the owner's daughter have been made. Such efforts to work with the property owner have been ignored. Subsequent citations have been issued, and have also been ignored.

The property contains a dilapidated, vacant building, creating an unsafe situation. The structure is in extremely poor condition, threatening to fall onto the neighboring property. The structure poses a fire hazard, and is an attractive nuisance to vermin and transients.

The list of notices and citations are attached to this report as Exhibits D, E, & G.

ANALYSIS

Joint inspections performed by the City Fire, Code Enforcement, and Building Department on or about September 09, 2013 found the following violations requiring the specified remediation:

LLMC or other Code Section

9.12.030(b)(6)

Nuisance Violation:

Nuisance – Any vacant, unoccupied or abandoned building or structure which is not reasonably secured against entry by children and any of the members of the public or which constitutes a fire hazard or is otherwise dangerous to human life by reason of inadequate maintenance or dilapidation;

- 9.12.030(b)(7) Nuisance – Broken windows, screens or doors constituting a hazardous or unhealthful condition, or inviting trespassers and malicious mischief;
- 9.12.030(b)(11) Nuisance – Garbage, rubbish, refuse, or trash if not contained within an appropriate receptacle;
- 9.12.030(b)(12) Nuisance – Walls, fences, lean-tos, sheds, barricades, or similar accessory structures, which are unsightly, structurally unsound, attractive nuisances, unsafe or in a state of disrepair;
- 9.12.030(b)(16) Property maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes depreciation of the property values of surrounding properties or is materially detrimental to proximate properties and improvements;
- 15.04.100 Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title shall be unlawful and a public nuisance, and the city attorney shall, upon order of the director of building and safety, immediately commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure, or use, and restrain and enjoin any person from erecting or maintaining such building or structure or using any property contrary to the provisions of this title. It shall be the right and duty of every citizen to participate and assist the city officials in the enforcement of the provisions of this title.

Health & Safety Code (Building Code) Violations:

- 17920.3(b)(1) Inadequate footing;
- 17920.3(b)(2) Defective or deteriorated flooring or floor support;
- 17920.3(b)(3) Flooring or floor supports of insufficient size to carry imposed loads;
- 17920.3(b)(4) Members of walls, partitions, or other verticals supports that split, lean, list, or buckle due to defective material or deterioration;
- 17920.3(b)(5) Members of walls, partitions, or other verticals supports that are insufficient size to carry imposed loads with safety;
- 17920.3(b)(6) Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration;

- 17920.3(b)(7) Members of ceiling, roofs, ceiling and roof supports or other horizontal members, structural members that are of insufficient size to carry imposed loads with safety, causing roof to sag;
- 17920.3(g)(1) Faulty weather protection; deteriorated, crumbling plaster;
- 17920.3(g)(2) Deteriorated or ineffective waterproofing of exterior walls, roof foundations, or floors, including broken windows or doors;
- 17920.3(g)(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack paint or other approved protective covering;
- 17920.3(g)(4) Broken, rotted, split, or buckled exterior wall covering or roof coverings;
- 17920.3(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code;
- 17920.3(o) Inadequate structural resistance to horizontal forces.

REMEDATION

Remediation of the existing violations would require:

- Removal of trash and debris to the extent to the satisfaction of the Fire Marshal and Code Enforcement Officer;
- Removal or repair of dilapidated structures, damage to structures, foundations, footings and structural members, inadequate or unpermitted roofing. Obtain all necessary engineering reports, permits and inspections.
- Repair or replace and bring into compliance with the California Building Code, all missing, damaged or inadequate structural members. Obtain all necessary engineering reports, permits and inspections.

CONCLUSION

Since the August 19, 2013 meeting with property owner, the property owner has not formulated a remediation action plan and has failed in addressing the property violations. In light of the failed efforts to bring property up to code, Staff has no choice than to resume enforcement efforts.

EXHIBITS

- A. External complaint received – June 23, 2011
- B. Initial Inspection Observation – October 13, 2011(Photos)
- C. Second inspection- (Photos)
- D. Code Enforcement – Notice of Violation – February 28, 2012
- E. Fire Department – Notice to Clean Property – April 16, 2012 (APN 0293-03-220)
- F. Phone conversations with Lisa Wilson (relative of owner) and failed action plans.
 - 1. 10/10/2012
 - 2. 11/19/2012
 - 3. 12/02/2012
 - 4. 12/10/2012
 - 5. 12/19/2012
 - 6. 12/20/2012
 - 7. 01/05/2013
- G. Code Enforcement – Final Notice of Violation – February 13, 2013
- H. Administrative Citation # 2013-0007 – March 12, 2013
- I. Third Inspection 08-19-2013(Photos)
- J. Administrative Citation # 2013-0053A – August 12, 2013
- K. Administrative Citation # 2013-0053B – September 11, 2013
- L. Notice of Hearing – September 18, 2013
- M. Findings of Nuisance and Notice to Abate

John VanDoren

From: Bibiana Gonzalez
Sent: Thursday, May 26, 2011 3:37 PM
To: John VanDoren
Cc: Bibiana Gonzalez
Subject: Complaint

Hi Mr. John,

Date: 5/36/11 @ 3:30pm

[REDACTED]
[REDACTED]
[REDACTED]
Property Owner of: 26455 W. First Street, LL [REDACTED]

Complaint against: Abigail Haro who owns 26451 W. First Street [REDACTED]

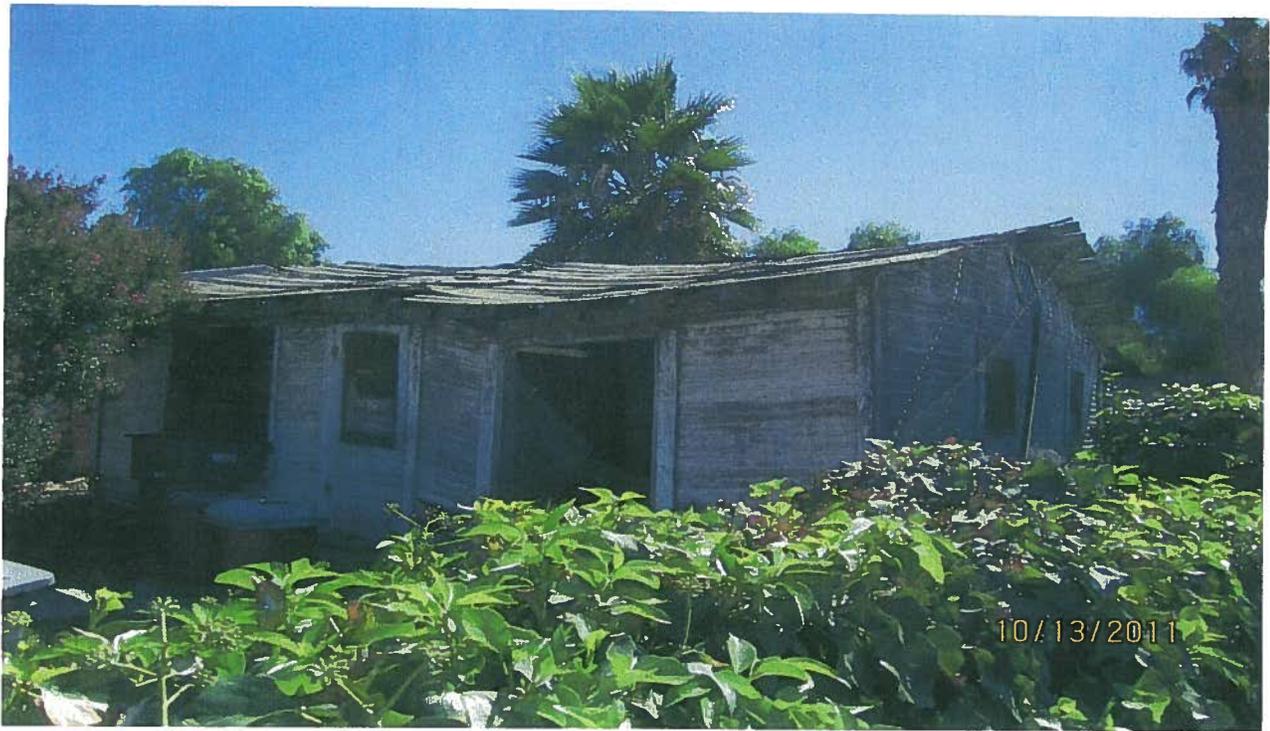
Problem: 26451 W. First street house is in ruins and falling [REDACTED]
[REDACTED]

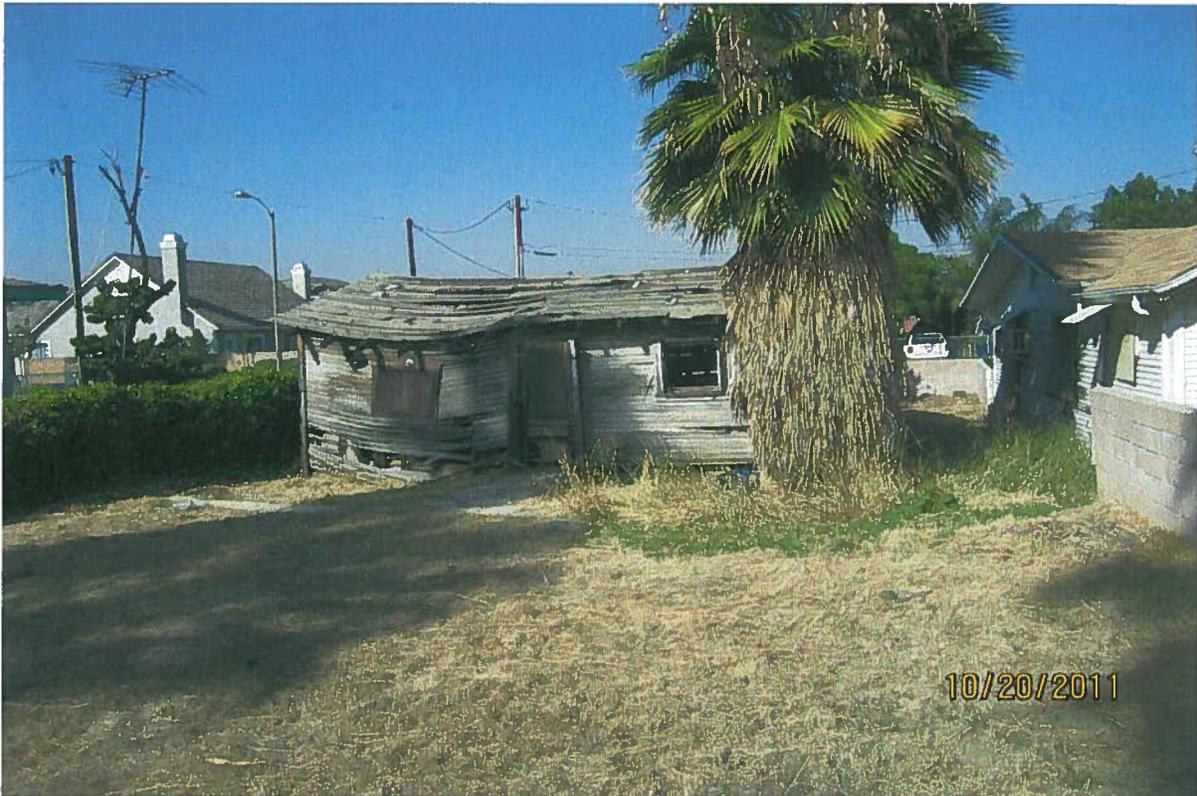
COMMENT: John Jerry was handling this situation over 2 years ago she says. Please follow up

Thank you

Bibiana Gonzalez
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354
909-799-2850
bgonzalez@lomalinda-ca.gov









City of Loma Linda

25541 Barton Road, Loma Linda, CA 92354 ☎ (909) 799-2850 📠 (909) 799-2894
Public Safety Department

February 28, 2012

Abigail Haro
Pauline Quintero
P O Box 7294
Redlands, CA 92375

Notice of Violation

RE: 26451 E. 1st St.
Loma Linda, CA 92354

APN 0293-032-20

Dear Property Owner:

Current records show you or your organization is the owner of the above-referenced property.

The City strives to maintain the high quality of life for our residents and business owners. In that regard, we have received and investigated complaints about possible code violations at this property. Listed below are the Loma Linda Municipal Code sections in apparent violation. Please take the necessary steps to abate the violations within the time frame shown below.

<u>LLMC or other Section</u>	<u>Violation</u>
9.12.030	Public Nuisance--Vacant building--Fire hazard
15.04.100	Public Nuisance--maintaining building in violation of building code

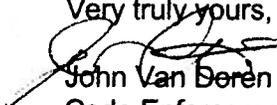
<u>Due Date</u>	<u>Corrective action required</u>
03-14-12	Obtain demolition permit from the Building & Safety Division
04-15-12	Demolish substandard structure(s) on property.

If we can provide any assistance or accommodations, please do not hesitate to contact us.

Please call my office at (909) 799-2861 for a compliance inspection so we can close our file with compliance noted, and without further enforcement actions.

Thank you for helping to keep our community a beautiful place to live and work.

Very truly yours,


John Van Doren
Code Enforcement Officer
909-799-2861



4/16/2012

Loma Linda Fire Department

FIRE PREVENTION BUREAU

25541 Barton Rd, Loma Linda, California 92354 • (909) 799-2859 • Fax: (909) 799-2891

NOTICE TO CLEAN PROPERTY

~~HARO, ABIGAL AND PAULINE QUINTERO~~
P O BOX 7294
REDLANDS CA

Parcel Number: 029303220
Location: 26451 1ST ST

Under the provisions of the California Fire Code, 2010 edition, Section 304.1.2 adopted and amended by Loma Linda Municipal Code Chapter 15.28, an inspection of the property listed above has been performed by this Department. Based upon the inspection, a fire hazard, or potential fire hazard has been determined to exist on this property. Notice is hereby given that **any weeds, tumbleweeds, dead grasses, vines, dead shrubs, dead trees, trimmings, or other combustible materials or debris present on your lot, field or parcel of land are a fire hazard** or in all probability will become a fire hazard, and as such must be removed or abated. In addition, any weeds or combustible materials must be cleared away from any road or street for a distance of 10 ft.

NOTES: Old delapidated house is both dangerous and a fire hazard. Contact Loma Linda Building & Safety for permit to demolish structure

Any weeds or other fire hazards as listed above on this property must be removed or abated in an acceptable manner by **April 30, 2011**. Failure to remove or abate by this date will be cause for the City of Loma Linda or it's designated contractor to enter onto the property to accomplish the abatement. In addition to the costs for cleaning, you will also be assessed an administrative fee of 30% of the cost of the work or \$100, whichever is greater. Failure to pay all charges will cause a tax assessment and lien to be placed against the property.

Due to uncontrolled regrowth, a second or third clean up of the property may be necessary during the year. Property owners are advised that it is their responsibility to maintain their property in good condition and that any re-growth during the year may be subject to removal without further notice if determined to be a fire hazard.

This Notice is given pursuant to the provision of the California Fire Code Section 109.2 authorizing action to remove any hazard deemed unsafe. The Fire Department maintains a consistent and impartial position in the application and enforcement of the California Fire Code. For further information, please call (909) 799-2859.

You as owner, occupant or person otherwise in charge of the property may appeal to the Fire Marshal of the City of Loma Linda any of the requirements of this Notice pursuant to Loma Linda Municipal Code Section 2.08.030. Such an appeal shall be in writing and shall be submitted only after all reasonable efforts to resolve the matter have been exhausted with the staff of this Department. Said appeal may include any arguments why the property should not be declared a fire hazard and abated by the City. Any appeal shall be submitted to this Department within ten (10) calendar days from the date of this Notice.

If you are no longer the owner of this property or are in the process of selling it, please inform the new owner of this Notice, and advise this Department in writing of the date the title change occurred. All address information used to mail Notices has been provided by the San Bernardino County Assessor's Office.

James Gray
Fire Marshal

James Shea
By: James Shea
Fire Prevention Inspector

EXHIBIT E



City of Loma Linda

25541 Barton Road, Loma Linda, CA 92354 ☎ (909) 799-2850 📠 (909) 799-2894

Public Safety Department

02/13/2013

Abigail Haro/Pauline Quintero
Po Box 7294
Redlands, CA 92374

Final Notice of Violation

RE: 26451 First Street
Loma Linda, CA 92354

APN 0293-03-220

Dear Property Owner:

Current records show you or your organization is the owner of the above-referenced property.

The City strives to maintain the high quality of life for our residents and business owners. In that regard, we have received and investigated complaints about possible code violations at this property. Listed below are the Loma Linda Municipal Code sections in apparent violation. Please take the necessary steps to abate the violations within the time frame shown below.

<u>LLMC or other Section</u>	<u>Violation</u>
09.12.030 B	Public Nuisance-Vacant building/Fire hazard
15.04.100	Public Nuisance- Building maintained in violation of building code.

<u>Due Date</u>	<u>Corrective action required</u>
02/27/2013	Obtain demolition permit from the building and safety division.
02/27/2013	Demolish substandard structure(s) on property.

If we can provide any assistance or accommodations, please do not hesitate to contact us.

This is your final warning to be in compliance without further enforcement actions, which could include the issuance of Administrative Citations with fines of \$100 for the 1st violation, \$200 for the 2nd violation, and \$500 for 3rd and subsequent violations.

Thank you for helping to keep our community a beautiful place to live and work.

Sincerely,

John VanDoren
Code Enforcement Officer
909-799-2861

EXHIBIT G



City of Loma Linda

25541 Barton Road, Loma Linda, California 92354-3160
 Code Enforcement (909) 799-2861 FAX (909) 799-2894

Administrative Citation # 2013-0007

Date first observed: 2-28-12 **Last Inspection Date:** 03-6-13 **Issue date:** 03-12-13

Citation issued to: **Property Owner** **Tenant** **Business Owner** **Other:**

Last name: Haro **First Name:** Abigail and Pauline Quintero

Mailing Address: **City:** **State:** **Zip Code:**

Violation Location: **Same as mailing address or:**

26451 First St Loma Linda, CA 92354

Violations:	Description	Violation #	\$ Fine
L.L.M.C. section 9.12.030	Public Nuisance--Vacant building, fire hazard	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$100
L.L.M.C. section 15.04.100	Public Nuisance--Dilapidated structure	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$100
L.L.M.C. section		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$
L.L.M.C. section		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$
L.L.M.C. section		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$
L.L.M.C. section		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$
L.L.M.C. section 9.24.100	Administrative Collection Cost Recovery		\$ 27.85
Nuisance Abatement Cost Recovery per schedule attached:			\$
Total fines and cost recovery:			\$ 227.85

Action Date	Required Corrective Action(s)
03-28-13	Obtain demolition permit from Building & Safety Division, City of Loma Linda
04-04-13	Demolish substandard structure(s) on the property

Note: Every day the violation continues to exist constitutes another violation, subject to additional, incremental citation. Non-payment of fines will incur additional penalties per LLMC section 9.24.100(F).

John Van Doren

Name of Issuing Officer

Signature of Issuing Officer

Without admitting guilt, I acknowledge that I have received this citation:

EXHIBIT H

The law requires that you take steps to either: (1) COMPLY with this citation, or (2) CONTEST the violation. To COMPLY with this citation, correct the violation and pay the required fine. If you need further information about abating these violations, please contact the issuing officer.

TO CONTEST THIS CITATION, FOLLOW THE APPEAL PROCEDURES SET FORTH BELOW.

ADMINISTRATIVE CITATIONS

Loma Linda Municipal Code (LLMC) Section 9.24.030 provides for the issuance of administrative citations for Municipal or other Code violations. There are three levels of citations that can be issued progressively for a violation. The fines as indicated on the front of the citation are \$100.00 for the first citation, \$200.00 for the second citation, and \$500.00 for the third and subsequent citations for violations of the same code(s) within one year. LLMC Section 9.24.100 also provides for the recovery of Late Payment Penalties and all Administrative Costs associated with bringing your property into compliance.

These fines are cumulative; citations may be issued each day the violation exists.

Rights of Appeal

Any recipient of an administrative citation may contest the citation by completing a request for hearing form and returning it to the address below within fifteen (15) days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for advance deposit hardship waiver has been filed pursuant to subsection (E) of this section. A request for hearing form may be obtained from the public safety department. Please write your citation number on your written appeal, and include a check or money order as a deposit for the total amount of the fine as shown on the front side of the citation. Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party, and who is financially unable to make the advance deposit of the fine as required, may file a request for an advance deposit hardship waiver. The request shall be filed within fifteen (15) days of the date of the administrative citation on an advance deposit hardship waiver application form available from the public safety department. Appeals received without the full deposit, or an approved advance deposit hardship waiver, cannot be accepted. If your appeal is successful, the full fine amount placed on deposit will be refunded to you. Mail the above items to:

**Citation Processing Center / City of Loma Linda
P.O. Box 7275
Newport Beach, CA 92658-7275**

How to pay fine

The total amount of the fine is indicated on the front of this Administrative Citation and is due immediately. Payment must be in the form of a money order or cashier's check payable to the City of Loma Linda. **Please write the citation number on your check or money order and mail it to the City of Loma Linda at the above address, or you may pay on-line by using a credit/debit card at www.CitationProcessingCenter.com or by calling (800) 969-6158.** If the citation is not paid or appealed within the statutory time, you will receive a reminder with penalties assessed. LLMC Section 9.24.100(F) provides for the issuance of assessed late fees for non-payment; at 50% of the original fine after 30 days late and another 50% of the original fine after 60 days. Payment of the fine shall not excuse failure to correct the violation nor shall it bar further enforcement action by the City of Loma Linda.

Consequences of Failure to pay the fine

The failure of any person to pay the fines assessed by an administrative citation within the time specified on the citation may result in the city referring the fine to a private collection agency, filing a claim with the small claims court, attaching the fine as a special assessment against the property on which the violation occurred, or any other legal means necessary to collect the fines.

Consequences of failure to correct violations

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to: criminal citation, court-ordered abatement warrant and tax lien on property, or receivership. The enforcement officer may also record with the county recorder's office a notice against a property which is the subject of an administrative enforcement action pending with the City of Loma Linda.





City of Loma Linda

25541 Barton Road, Loma Linda, California 92354-3160 • (909) 799-2861 • FAX (909) 799-2894

Code Enforcement

Administrative Citation No. CE2013-00--53A

Date First Observed: 02/28/2012

Last Inspection Date: 08/07/2013

Issue Date: 08/12/2013

Citation issued to:

Resp Party-Prop. Owner
HARO, ABIGAL AND PAULINE QUINTERO
1500 LASSEN
REDLANDS, CA 92374

Violation Location:

26451 1ST
LOMA LINDA, CA 92354

Violations

09.12.030(B)(16) - (Nuisance-Maintaining unsightly property), 09.12.030(B)(17) - (Nuisance-Maintaining structures in violation of state or local law)

Required Corrective Action(s)

1. Bring property up to community standards
2. make all necessary improvements to remove violation

Date Issued	Fee	Amount	Amount Paid	Due Date
08/12/2013	Citation #2	\$200.00	\$0.00	08/12/2013
08/12/2013	Citation #2	\$200.00	\$0.00	08/12/2013

TOTAL DUE: \$400.00

Note: Every day the violation continues to exist constitutes another violation, subject to additional, incremental citation. Non-payment of fines will incur additional penalties per LLMC section 9.24.100(F).

Gil Garza
Name of Issuing Officer

Signature of Issuing Officer

Without admitting guilt, I acknowledge that I have received this citation:

Signature

Date

The law requires that you take steps to either: (1) COMPLY with this citation, or (2) CONTEST the violation. To COMPLY with this citation, correct the violation and pay the required fine. If you need further information about abating these violations, please contact the issuing officer.

TO CONTEST THIS CITATION, FOLLOW THE APPEAL PROCEDURES SET FORTH BELOW.

ADMINISTRATIVE CITATIONS

Loma Linda Municipal Code (LLMC) Section 9.24.030 provides for the issuance of administrative citations for Municipal or other Code violations. There are three levels of citations that can be issued progressively for a violation. The fines as indicated on the front of the citation are \$100.00 for the first citation, \$200.00 for the second citation, and \$500.00 for the third and subsequent citations for violations of the same code(s) within one year. LLMC Section 9.24.100 also provides for the recovery of Late Payment Penalties and all Administrative Costs associated with bringing your property into compliance.

These fines are cumulative; citations may be issued each day the violation exists.

Rights of Appeal

Any recipient of an administrative citation may contest the citation by completing a request for hearing form and returning it to the address below within fifteen (15) days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for advance deposit hardship waiver has been filed pursuant to subsection (E) of this section. A request for hearing form may be obtained from the public safety department. Please write your citation number on your written appeal, and include a check or money order as a deposit for the total amount of the fine as shown on the front side of the citation. Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party, and who is financially unable to make the advance deposit of the fine as required, may file a request for an advance deposit hardship waiver. The request shall be filed within fifteen (15) days of the date of the administrative citation on an advance deposit hardship waiver application form available from the public safety department. Appeals received without the full deposit, or an approved advance deposit hardship waiver, cannot be accepted. If your appeal is successful, the full fine amount placed on deposit will be refunded to you. Mail the above items to:

**Citation Processing Center / City of Loma Linda
P.O. Box 7275
Newport Beach, CA 92658-7275**

How to Pay Fine

The total amount of the fine is indicated on the front of this Administrative Citation and is due immediately. Payment must be in the form of a money order or cashier's check payable to the City of Loma Linda. **Please write the citation number on your check or money order and mail it to the City of Loma Linda at the above address, or you may pay on-line by using a credit/debit card at www.CitationProcessingCenter.com or by calling (800) 969-6158.** If the citation is not paid or appealed within the statutory time, you will receive a reminder with penalties assessed. LLMC Section 9.24.100(F) provides for the issuance of assessed late fees for non-payment; at 50% of the original fine after 30 days late and another 50% of the original fine after 60 days. Payment of the fine shall not excuse failure to correct the violation nor shall it bar further enforcement action by the City of Loma Linda.

Consequences of Failure to Pay the Fine

The failure of any person to pay the fines assessed by an administrative citation within the time specified on the citation may result in the city referring the fine to a private collection agency, filing a claim with the small claims court, attaching the fine as a special assessment against the property on which the violation occurred, or any other legal means necessary to collect the fines.

Consequences of Failure to Correct Violations

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to: criminal citation, court-ordered abatement warrant and tax lien on property, or receivership. The enforcement officer may also record with the county recorder's office a notice against a property which is the subject of an administrative enforcement action pending with the City of Loma Linda.



City of Loma Linda

25541 Barton Road, Loma Linda, California 92354-3160 • (909) 799-2861 • FAX (909) 799-2894

Code Enforcement

Administrative Citation No. CE2013-00--53B

Date First Observed: 02/28/2012

Last Inspection Date: 09/09/2013

Issue Date: 09/11/2013

Citation issued to:

HARO, ABIGAL AND PAULINE QUINTERO
1500 LASSEN
REDLANDS, CA 92374

Violation Location:

26451 1ST
LOMA LINDA, CA 92354

Violations	Required Corrective Action(s)
09.12.030(B)(16) - (Nuisance-Maintaining unsightly property), 09.12.030(B)(17) - (Nuisance-Maintaining structures in violation of state or local law)	1. Bring property up to community standards 2. make all necessary improvements to remove violation

Date Issued	Fee	Amount	Amount Paid	Due Date
09/11/2013	Citation Processing Fee	\$22.00	\$0.00	09/11/2013
09/11/2013	Certified Mail Fee	\$6.11	\$0.00	09/11/2013
09/11/2013	Citation #3	\$500.00	\$0.00	09/11/2013
09/11/2013	Citation #3	\$500.00	\$0.00	09/11/2013

TOTAL DUE: \$1,028.11

Note: Every day the violation continues to exist constitutes another violation, subject to additional, incremental citation. Non-payment of fines will incur additional penalties per LLMC section 9.24.100(F).

Gil Garza
Name of Issuing Officer


Signature of Issuing Officer

Without admitting guilt, I acknowledge that I have received this citation:

Signature

Date

The law requires that you take steps to either: (1) COMPLY with this citation, or (2) CONTEST the violation. To COMPLY with this citation, correct the violation and pay the required fine. If you need further information about abating these violations, please contact the issuing officer.

TO CONTEST THIS CITATION, FOLLOW THE APPEAL PROCEDURES SET FORTH BELOW.

ADMINISTRATIVE CITATIONS

Loma Linda Municipal Code (LLMC) Section 9.24.030 provides for the issuance of administrative citations for Municipal or other Code violations. There are three levels of citations that can be issued progressively for a violation. The fines as indicated on the front of the citation are \$100.00 for the first citation, \$200.00 for the second citation, and \$500.00 for the third and subsequent citations for violations of the same code(s) within one year. LLMC Section 9.24.100 also provides for the recovery of Late Payment Penalties and all Administrative Costs associated with bringing your property into compliance.

These fines are cumulative; citations may be issued each day the violation exists.

Rights of Appeal

Any recipient of an administrative citation may contest the citation by completing a request for hearing form and returning it to the address below within fifteen (15) days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for advance deposit hardship waiver has been filed pursuant to subsection (E) of this section. A request for hearing form may be obtained from the public safety department. Please write your citation number on your written appeal, and include a check or money order as a deposit for the total amount of the fine as shown on the front side of the citation. Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party, and who is financially unable to make the advance deposit of the fine as required, may file a request for an advance deposit hardship waiver. The request shall be filed within fifteen (15) days of the date of the administrative citation on an advance deposit hardship waiver application form available from the public safety department. Appeals received without the full deposit, or an approved advance deposit hardship waiver, cannot be accepted. If your appeal is successful, the full fine amount placed on deposit will be refunded to you. Mail the above items to:

**Citation Processing Center / City of Loma Linda
P.O. Box 7275
Newport Beach, CA 92658-7275**

How to Pay Fine

The total amount of the fine is indicated on the front of this Administrative Citation and is due immediately. Payment must be in the form of a money order or cashier's check payable to the City of Loma Linda. **Please write the citation number on your check or money order and mail it to the City of Loma Linda at the above address, or you may pay on-line by using a credit/debit card at www.CitationProcessingCenter.com or by calling (800) 969-6158.** If the citation is not paid or appealed within the statutory time, you will receive a reminder with penalties assessed. LLMC Section 9.24.100(F) provides for the issuance of assessed late fees for non-payment; at 50% of the original fine after 30 days late and another 50% of the original fine after 60 days. Payment of the fine shall not excuse failure to correct the violation nor shall it bar further enforcement action by the City of Loma Linda.

Consequences of Failure to Pay the Fine

The failure of any person to pay the fines assessed by an administrative citation within the time specified on the citation may result in the city referring the fine to a private collection agency, filing a claim with the small claims court, attaching the fine as a special assessment against the property on which the violation occurred, or any other legal means necessary to collect the fines.

Consequences of Failure to Correct Violations

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to: criminal citation, court-ordered abatement warrant and tax lien on property, or receivership. The enforcement officer may also record with the county recorder's office a notice against a property which is the subject of an administrative enforcement action pending with the City of Loma Linda.



CITY OF LOMA LINDA

Community Development Department
25541 Barton Road, Loma Linda, CA 92354
(909) 799-2830; FAX (909) 799-2894

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Loma Linda **Planning Commission** will hold a public hearing on **Wednesday, October 2, 2013, at 7:00 p.m.**, in the Council Chambers at 25541 Barton Road, Loma Linda, California, on the item described below.

DECLARATION OF PUBLIC NUISANCE AND ABATEMENT ORDER – A request for determination of and declaration of the existence of a public nuisance on property located at 26451 E. First Street (APN 0293-032-20) and Abatement Order under the provisions of Loma Linda Municipal Code Chapters 9.12.

A copy of all relevant materials regarding the Public Nuisance Declaration and Abatement Order are on file in the Community Development Department at Loma Linda City Hall, 25541 Barton Road, Loma Linda, CA 92354.

The Planning Commission welcomes your participation in evaluating the above-mentioned action and the public is welcome to speak at the public hearing. If you challenge the resultant action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department at, or prior to, the public hearing.

BY ORDER OF THE
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF LOMA LINDA

Dated: September 23, 2013



City of Loma Linda

Rhodes Rigsby, Mayor
Ovidiu Popescu, Mayor pro tempore
Ronald Dailey, Councilman
Phillip Dupper, Councilman
John Lenart, Councilman

FINDINGS OF NUISANCE AND NOTICE TO ABATE

In Re: Hearing to determine if a public nuisance exists at 26451 E. First Street (APN 0293-032-020). The Planning Commission, acting as Hearing Board, finds as follows:

WHEREAS, the property located at 26451 E. First Street APN# 0293-032-20) is located within the City of Loma Linda, and is subject to Loma Linda Municipal Code.

WHEREAS, the staff of the City of Loma Linda has confirmed the existence of multiple Municipal Code violations as set forth herein; and

WHEREAS, the property owner was served with multiple notices of violations and citations describing the conditions constituting the violations and ordering abatement; and

WHEREAS, the property owner has had significant and reasonable time to correct all violations but has refused and/or failed to meet the deadlines prescribed by these notices; and

WHEREAS, the property owner received proper notice of this meeting pursuant to Loma Linda Municipal Code 9.12.050; and

WHEREAS, the property owner has the legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the City; and

WHEREAS, the violations set forth herein still exist on the property and the property remains in violation of the Loma Linda Municipal Code; and

WHEREAS, the existence of conditions on the property are inconsistent with the Loma Linda Municipal Code, and detrimental to the health, safety, comfort, and general welfare of the public and persons residing in the City; and

WHEREAS, this board has considered the evidence concerning public nuisances on the property, including relevant documents, writings, codes, ordinances, as well as oral testimony on this hearing; and

WHEREAS, this board finds that a public nuisance does exist on the subject property and that there is sufficient cause to abate the nuisance,

NOW, THEREFORE, IT IS HEREBY:

Ordered:

That the property owner and/or other persons having charge or control of the premises abate all violations of Loma Linda Municipal Code as described herein by removal, rehabilitation, repair, demolition or such other abatement as is reasonable and appropriate in the manner and by the means specifically set forth herein. The property owner shall remediate the following conditions:

<u>LLMC or other Code Section</u>	<u>Nuisance Violations:</u>	<u>Method of Remediation</u>
9.12.030(b)(6)	Nuisance – Any vacant, unoccupied or abandoned building or structure which is not reasonably secured against entry by children and any of the members of the public or which constitutes a fire hazard or is otherwise dangerous to human life by reason of inadequate maintenance or dilapidation	Removal or repair of dilapidated structures, damage to structures, foundations, footings and structural members, inadequate or unpermitted roofing. Obtain all necessary engineering reports, permits and inspections.
9.12.030(b)(7)	Nuisance – Broken windows, screens or doors constituting a hazardous or unhealthful condition, or inviting trespassers and malicious mischief	Repair or replace and bring into compliance with the California Building Code, all missing, damaged or inadequate structural members. Obtain all necessary engineering reports, permits and inspections.
9.12.030(b)(11)	Nuisance – Garbage, rubbish, refuse, or trash if not contained within an appropriate receptacle;	Removal of trash and debris.
9.12.030(b)(12)	Nuisance – Walls, fences, lean-tos, sheds, barricades, or similar accessory structures, which are unsightly, structurally unsound, attractive nuisances, unsafe or in a state of disrepair	Repair or replace and bring into compliance with the California Building Code, all missing, damaged or inadequate structural members. Obtain all necessary engineering reports, permits and inspections.
9.12.030(b)(16)	Nuisance – Property maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or	Repair or replace and bring into compliance with the California Building Code, all missing, damaged or inadequate structural members. Obtain all necessary engineering reports, permits

disrepair that the same causes depreciation of the property values of surrounding properties or is materially detrimental to proximate properties and improvements

15.04.100

Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title shall be unlawful and a public nuisance, and the city attorney shall, upon order of the director of building and safety, immediately commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure, or use, and restrain and enjoin any person from erecting or maintaining such building or structure or using any property contrary to the provisions of this title. It shall be the right and duty of every citizen to participate and assist the city officials in the enforcement of the provisions of this title

and inspections.
Repair or replace and bring into compliance with the California Building Code, all missing, damaged or inadequate structural members. Obtain all necessary engineering reports, permits and inspections.

LLMC or other Code Section

Health & Safety Code (Building Code) Violations:

Method of Remediation

17920.3(b)(1)

Inadequate footing

Repair or replace and bring into California Building Code compliance all missing or damaged or inadequate structural members. Obtain all necessary permits and inspections.

17920.3(b)(2)

Defective or deteriorated flooring or floor support

Repair or replace and bring into California Building Code compliance all missing or damaged or inadequate

		structural members. Obtain all necessary permits and inspections.
17920.3(b)(3)	Flooring or floor supports of insufficient size to carry imposed loads	Repair or replace and bring into California Building Code compliance all missing or damaged or inadequate structural members. Obtain all necessary permits and inspections.
17920.3(b)(4)	Members of walls, partitions, or other verticals supports that split, lean, list, or buckle due to defective material or deterioration	Repair or replace and bring into California Building Code compliance all missing or damaged or inadequate structural members. Obtain all necessary permits and inspections.
17920.3(b)(5)	Members of walls, partitions, or other verticals supports that are insufficient size to carry imposed loads with safety	Repair or replace and bring into California Building Code compliance all missing or damaged or inadequate structural members. Obtain all necessary permits and inspections.
17920.3(b)(6)	Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration	Repair or replace and bring into California Building Code compliance all missing or damaged or inadequate structural members. Obtain all necessary permits and inspections.
17920.3(b)(7)	Members of ceiling, roofs, ceiling and roof supports or other horizontal members, structural members that are of insufficient size to carry imposed loads with safety, causing roof to sag	Repair and bring into California Building Code compliance all ceilings, roofs, ceiling and roof supports or other horizontal structural members where required. Obtain all necessary permits and inspections.
17920.3(g)(1)	Faulty weather protection; deteriorated, crumbling plaster	Repair or replace and bring into California Building Code compliance all missing or damaged or inadequate structural members. Obtain all necessary permits and inspections.
17920.3(g)(2)	Deteriorated or ineffective waterproofing of exterior walls, roof foundations, or floors, including broken windows or doors	Repair or replace and bring into compliance with the California Building Code, all missing, damaged or inadequate structural members. Obtain all necessary engineering reports, permits and inspections.

17920.3(g)(3)	Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack paint or other approved protective covering	Repair or replace and bring into California Building Code compliance all missing or damaged or inadequate structural members. Obtain all necessary permits and inspections.
17920.3(g)(4)	Broken, rotted, split, or buckled exterior wall covering or roof coverings	Repair or replace and bring into California Building Code compliance all missing or damaged or inadequate structural members. Obtain all necessary permits and inspections.
17920.3(k)	Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code	Repair or replace and bring into compliance with the California Building Code, all missing, damaged or inadequate structural members. Obtain all necessary engineering reports, permits and inspections.
17920.3(o)	Inadequate structural resistance to horizontal forces.	Repair or replace and bring into compliance with the California Building Code, all missing, damaged or inadequate structural members. Obtain all necessary engineering reports, permits and inspections.

That the removal of garbage, rubbish, refuses, or trash if not contained within an appropriate receptacle shall be completed by November 2, 2013.

That if the property owner chooses to repair the dilapidated structure that all necessary permits are obtained as part of the remediation effort by Monday, October 7, 2013.

That if the property owner chooses to demolish the dilapidated and damaged structure, that a demolition permit be obtained by Monday, October 7, 2013, and that all violations be remediated and completed by November 2, 2013.

That City Staff is directed to take all necessary steps to assure the abatement is completed as ordered and if the property owner fails to comply with this order that City Staff approach City Council for authorization for a transfer of funds to abate such nuisance and that the costs of abatement shall become a lien on the subject property.

Dated: _____

Chairman, Loma Linda Planning Commission

EXHIBIT M



City of Loma Linda Official Planning Commission Report

From the Community Development Department

DATE: October 2, 2013
TO: Planning Commission
FROM: Konrad Bolowich, Assistant City Manager
SUBJECT: **PUBLIC NUISANCE – HEARING TO DETERMINE IF A PUBLIC NUISANCE EXISTS AT A VACANT PARCEL (APN 0283-245-12) LOCATED BETWEEN 25370 MEAD STREET AND 10741 JASMINE STREET.**

RECOMMENDATION

It is recommended that the Planning Commission declare that a public nuisance exists at a vacant parcel (APN 0283-245-12) located between 25370 Mead Street and 10741 Jasmine Street, to find that there is sufficient cause to abate the nuisance. Staff has prepared a draft FINDINGS OF NUISANCE AND NOTICE TO ABATE for consideration by the Commission that sets forth the specific conditions constituting the nuisance and the methods of abatement required to remediate the property.

BACKGROUND

The above referenced property was first observed on July 23, 2012. Staff contacted the property owner via certified USPS mail informing him of outstanding violations on his property. A total of three notices were sent. Efforts to work with the property owner have been ignored. Subsequent citations have been issued, and have also been ignored.

The property consists of a vacant parcel in the Single Residence (R-1) zone measuring 2,428 square feet. A storage container (CONEX box) located on the vacant parcel is not listed as a permitted use in the R-1 zone, per Loma Linda Municipal Code (LLMC) Section 17.34.020). The parcel also contains abandoned household equipment, machinery, trash and debris. The structure and debris have become an attractive nuisance to the neighboring residences and may lead to depreciated property values of neighboring parcels (LLMC Sections 09.12.030 (b) (2) (a,c), (b)(3) and (b)(16).

The list of notices and citations are attached to this report as Exhibits B-E, I and J.

ANALYSIS

Joint inspections performed by the Code Enforcement Officer, and Building Department on or about September 09, 2013 found the following violations requiring the specified remediation:

<u>LLMC or other Code Section</u>	<u>Nuisance Violation:</u>
--	-----------------------------------

17.34.020	Storage container (CONEX box) on vacant lot is not listed as a permitted use in the Single Residence (R-1) zone.
9.12.030(b)(2)(a,c)	Nuisance – Abandoned, discarded, unused or broken equipment or objects, Neglected machinery, broken or discarded furniture, unused

- household equipment, accessible and unused refrigerators, freezers, cans, packing boxes, and similar objects;
- 9.12.030(b)(3) Nuisance – Existence, storage, or accumulation of broken, discarded or inoperable household furnishings, appliances, tools or machinery, play equipment or other similar items;
- 9.12.030(b)(16) Property maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes depreciation of the property values of surrounding properties or is materially detrimental to proximate properties and improvements;

REMEDATION

Remediation of the existing violations require:

- Removal of storage container (CONEX Box);
- Removal of trash and debris;
- Bring property up to Community standards.

CONCLUSION

Since March 11, 2013 owner has contacted the Community Development Department twice by mail but no resolution has been made in abating the nuisance. In light of the failed efforts to bring property in to compliance with the Municipal Code, Staff has no other option than to resume enforcement efforts. Failure to address the code violations by November 2, 2013 may result in the City removing the storage container and debris from the property at the owner's expense and a lien placed on the property.

EXHIBITS

- A. External complaint received – July 18, 2012
- B. Notice of Violation- September 19, 2012
- C. Notice of Violation- September 24, 2012
- D. Final Notice of Violation – November 12, 2012
- E. Cite 2013-0004- February 21, 2013
- F. Relative of owner response letter regarding Administrative Citation No. 2013-0004-March 6, 2013
- G. Inspection photos- March 11, 2013
- H. Code Enforcement Officer's (CEO) letter to relative in responding to letter dated March 6, 2013.
- I. Relative's letter to CEO requesting status of communication- May 1, 2013
- J. Administrative Citation # 2013-0019 – July 17, 2013
- K. Administrative Citation # 2013-0042A – August 07, 2013
- L. Notice of Hearing – September 18, 2013
- M. Findings of Nuisance and Notice to Abate

CITY OF LOMA LINDA

CODE ENFORCEMENT COMPLAINT REPORT

Complainant / Reporting Party: [REDACTED]

Date: 7/18/07

Address: [REDACTED]

Phone: [REDACTED]

All information must be completely filled out. Anonymous complaints will not be processed.

Pursuant to state law and department policy, Complainant's identity is not subject to the California Public Records Act or the Federal Freedom of Information Act and is therefore not revealed. However, a Court order may lead to the divulging of the Complainant's name.

Location of Complaint

APN# 028324512 Vacant lot
(one address per complaint form)

Nature of Complaint

- ① refuse container
- ② Land unkept
- ③ Wild animals
- ④ Storage unit

[REDACTED SIGNATURE]

(Signature of Reporting Party)

City of Loma Linda, Community Development Dept. - Code Enforcement Division
25541 Barton Road, Loma Linda, CA 92354



City of Loma Linda

25541 Barton Road, Loma Linda, CA 92354 ☎ (909) 799-2850 📠 (909) 799-2894
Public Safety Department

September 19, 2012

Rodolfo & Leolita Llaguno
11534 Milford Haven Dr
Loma Linda, CA 92354

Notice of Violation

RE: Vacant lot on Jasmine St APN 0283-245-12
Loma Linda, CA 92354

Dear Property Owner:

Current records show you or your organization is the owner of the above-referenced property.

The City strives to maintain the high quality of life for our residents and business owners. In that regard, we have received and investigated complaints about possible code violations at this property. Listed below are the Loma Linda Municipal Code sections in apparent violation. Please take the necessary steps to abate the violations within the time frame shown below.

<u>LLMC or other Section</u>	<u>Violation</u>
17.34.020	Permitted Uses do not include outside storage or accessory structures
09.12.030(B)(2)(a,c)	Abandoned, discarded, unused or broken equipment or objects; Neglected machinery, broken or discarded furniture, unused household equipment, accessible and unused refrigerators, freezers, cans, packing boxes, and similar objects;
09.12.030(B)3	Abandoned, discarded, unused or broken equipment or objects
09.12.030(B)(4)	Existence, storage, or accumulation of rubbish, debris, trash, waste matter of any type
09.12.030(B)(16)	Existence, storage, or accumulation of rubbish, debris, trash, waste matter of any type
<u>Due Date</u>	<u>Corrective action required</u>
09-29-12	Remove/abate all above nuisances and call for compliance inspection.

If we can provide any assistance or accommodations, please do not hesitate to contact us.

Please call my office at (909) 799-2861 for a compliance inspection so we can close our file with compliance noted, and without further enforcement actions.

Thank you for helping to keep our community a beautiful place to live and work.

Very truly yours,

John Van Doren
Code Enforcement Officer
909-799-2861



City of Loma Linda

25541 Barton Road, Loma Linda, CA 92354 ☎ (909) 799-2850 📠 (909) 799-2894

Public Safety Department

September 24, 2012

Rodolfo & Leolita Llaguno
11534 Milford Haven Dr
Loma Linda, CA 92354

Notice of Violation

RE: Vacant lot on Jasmine St APN 0283-245-12
Loma Linda, CA 92354

Dear Property Owner:

Current records show you or your organization is the owner of the above-referenced property.

The City strives to maintain the high quality of life for our residents and business owners. In that regard, we have received and investigated complaints about possible code violations at this property. Listed below are the Loma Linda Municipal Code sections in apparent violation. Please take the necessary steps to abate the violations within the time frame shown below.

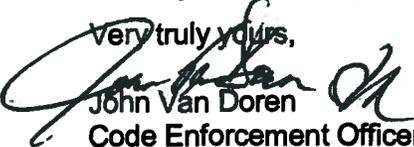
<u>LLMC or other Section</u>	<u>Violation</u>
17.34.020	Permitted Uses do not include outside storage or accessory structures
09.12.030(B)(2)(a,c)	Abandoned, discarded, unused or broken equipment or objects; Neglected machinery, broken or discarded furniture, unused household equipment, accessible and unused refrigerators, freezers, cans, packing boxes, and similar objects;
09.12.030(B)(3)	Abandoned, discarded, unused or broken equipment or objects
09.12.030(B)(4)	Existence, storage, or accumulation of rubbish, debris, trash, waste matter of any type
09.12.030(B)(16)	Existence, storage, or accumulation of rubbish, debris, trash, waste matter of any type
<u>Due Date</u>	<u>Corrective action required</u>
09-29-12	Remove/abate all above nuisances and call for compliance inspection.

If we can provide any assistance or accommodations, please do not hesitate to contact us.

Please call my office at (909) 799-2861 for a compliance inspection so we can close our file with compliance noted, and without further enforcement actions.

Thank you for helping to keep our community a beautiful place to live and work.

Very truly yours,


John Van Doren
Code Enforcement Officer
909-799-2861



City of Loma Linda

25541 Barton Road, Loma Linda, CA 92354 ☎ (909) 799-2850 📠 (909) 799-2894
Public Safety Department

November 12, 2012

Rodolfo & Leolita Llaguno
11534 Milford Haven Dr
Loma Linda, CA 92354

Final Notice of Violation

RE: Vacant lot on Jasmine St
Loma Linda, CA 92354

APN 0283-245-12

Dear Property Owner:

Current records show you or your organization is the owner of the above-referenced property.

The City strives to maintain the high quality of life for our residents and business owners. In that regard, we have received and investigated complaints about possible code violations at this property. Listed below are the Loma Linda Municipal Code sections in apparent violation. Please take the necessary steps to abate the violations within the time frame shown below.

<u>LLMC or other Section</u>	<u>Violation</u>
17.34.020	Permitted Uses do not include outside storage or accessory structures.
09.12.030(B)(2)(a,c)	Abandoned, discarded, unused or broken equipment or objects. Neglected machinery, broken or discarded furniture, unused household equipments, accesible and unused refrigerators, freezers,cans, packing boxes and similar objects.
09.12.030 (B)(3)	Abandoned, discarded, unused or broken equipment objects.
09.12.030 (B)(4)	Existance, storage, or accumulation of rubbish, debris, trash, waste matter of any type.
09.12.030	Maintaining property in disrepair- affecting property values.
<u>Due Date</u>	<u>Corrective action required</u>
11/26/2012	Remove/abate all above nuisances and call for compliance inspection.

If we can provide any assistance or accommodations, please do not hesitate to contact us.

This is your final warning to be in compliance without further enforcement actions, which could include the issuance of Administrative Citations with fines of \$100 for the 1st violation, \$200 for the 2nd violation, and \$500 for 3rd and subsequent violations.

Thank you for helping to keep our community a beautiful place to live and work.

Sincerely,

Gil Garza
Code Enforcement Officer
909-799-2861

FILE COPY



City of Loma Linda

25541 Barton Road, Loma Linda, California 92354-3160
Code Enforcement (909) 799-2861 FAX (909) 799-2894

Administrative Citation # 2013-0004

Date first observed: 7-18-12 **Last Inspection Date:** 02-21-13 **Issue date:** 02-21-13

Citation issued to: Property Owner Tenant Business Owner Other:

Last name: Llaguno **First Name:** Rodolfo and Leolita **Middle name or initial:**

Mailing Address: 11534 Milford Haven Dr **City:** Loma Linda **State:** CA **Zip Code:** 92354

Violation Location: Same as mailing address or:

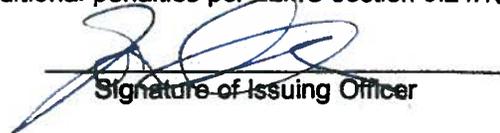
APN 0283-245-12 Loma Linda, CA 92354

Violations:	Description	Violation #	\$ Fine
L.L.M.C. section 17.34.020	Nuisance--unpermitted land use	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$100
L.L.M.C. section 09.12.030(B)(2)(a,c)	Nuisance--Abandoned, discarded, neglected machinery, furniture	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$100
L.L.M.C. section 09.12.030(B)(3)	Nuisance--Abandoned, discarded, unused equipment	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$100
L.L.M.C. section 09.12.030(B)(4)	Nuisance--storage, accumulation of trash & debris	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$100
L.L.M.C. section 09.12.030(B)(16)	Nuisance--property condition so unsightly as to diminish neighboring property values	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$100
L.L.M.C. section		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$
L.L.M.C. section 9.24.100	Administrative Collection Cost Recovery		\$ 27.85
Nuisance Abatement Cost Recovery per schedule attached:			\$
Total fines and cost recovery:			\$ 527.85

Action Date 02-28-13 **Required Corrective Action(s)** Abate all above nuisances and call for a compliance inspection.

Note: Every day the violation continues to exist constitutes another violation, subject to additional, incremental citation. Non-payment of fines will incur additional penalties per LLMC section 9.24.100(F).

John Van Doren
Name of Issuing Officer


Signature of Issuing Officer

Without admitting guilt, I acknowledge that I have received this citation:

Signature

Date

The law requires that you take steps to either: (1) COMPLY with this citation, or (2) CONTEST the violation. To COMPLY with this citation, correct the violation and pay the required fine. If you need further information about abating these violations, please contact the issuing officer.

TO CONTEST THIS CITATION, FOLLOW THE APPEAL PROCEDURES SET FORTH BELOW.

ADMINISTRATIVE CITATIONS

Loma Linda Municipal Code (LLMC) Section 9.24.030 provides for the issuance of administrative citations for Municipal or other Code violations. There are three levels of citations that can be issued progressively for a violation. The fines as indicated on the front of the citation are \$100.00 for the first citation, \$200.00 for the second citation, and \$500.00 for the third and subsequent citations for violations of the same code(s) within one year. LLMC Section 9.24.100 also provides for the recovery of Late Payment Penalties and all Administrative Costs associated with bringing your property into compliance.

These fines are cumulative; citations may be issued each day the violation exists.

Rights of Appeal

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Lowe Llaguno
11534 Milford Haven Drive
Loma Linda, CA 92354

City of Loma Linda
Attn: John Van Doren
25541 Barton Road
Loma Linda, CA 92354-3160

RECEIVED

MAR 11 2013

City of Loma Linda
Comm. Dev. Dept.

March 6, 2013

Dear Mr. Van Doren:

Which location is being referred to in the Administrative Citation?

I am writing on behalf of Mr. Rodolfo Llaguno who is 83 years old.

Rodolfo Llaguno was diagnosed with cancer and Parkinson's Disease at the beginning of 2011. He has been receiving treatment for both diseases since that time. Because of his health issues and age, he is dependent on care-giving assistance and supervision for daily activities.

Leolita Llaguno was also diagnosed with cancer in the middle of 2011. She died in August 2012.

The costs associated with medical treatment and home care for both Rodolfo and Leolita Llaguno (from 2011 to 2012) used up their combined savings. Rodolfo Llaguno's ongoing medical treatment and home care costs exhausts his retirement income each month.

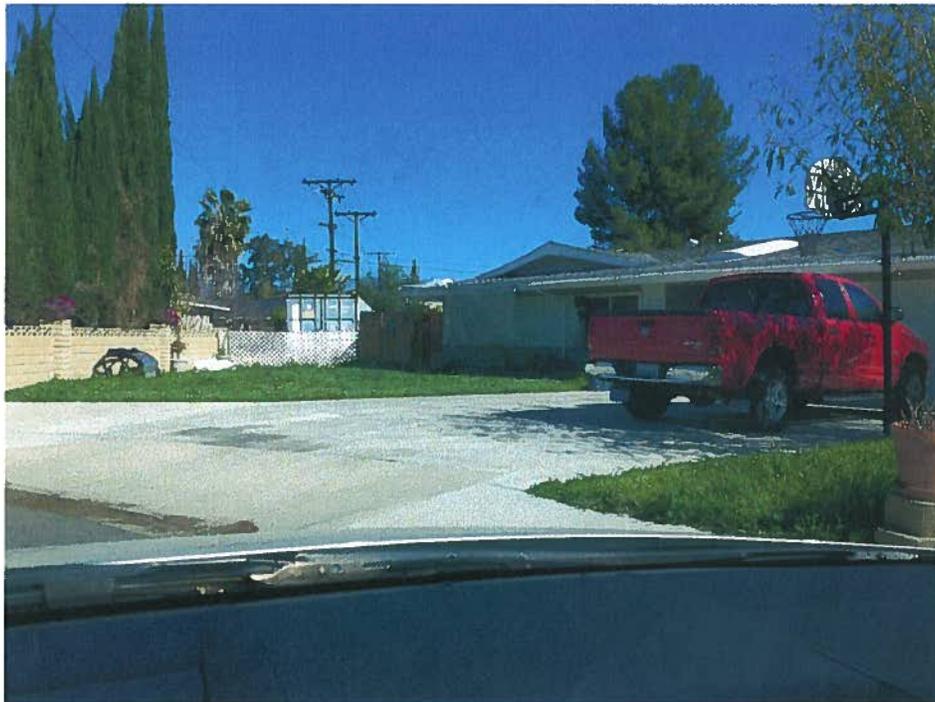
Sincerely,

A handwritten signature in black ink, appearing to be 'Lowe Llaguno', with a long horizontal line extending to the right.

Lowe Llaguno



March 11, 2013- APN 0283-245-12(A)



March 11, 2013- APN 0283-245-12(B)



City of Loma Linda

25541 Barton Road, Loma Linda, CA 92354 ☎ (909) 799-2830 📠 (909) 799-2894

Community Development Department

March 18, 2013

Rodolfo Llaguno
Attn: Lowe Llaguno
11534 Milford Haven Drive
Loma Linda, CA 92354

Dear Mr. Lowe Llaguno,

I am very sorry for your loss and for the hard time you are going through with Mr. Llaguno.

The location referred to on the administrative citation is parcel number 0283-245-12 adjacent to property address 10741 Jasmine St., Loma Linda, CA 92354 which has an unpermitted storage bin. Issues on the property include abandoned machinery, equipment, furniture and accumulation of trash and debris affecting the neighboring property values. An extension may be granted upon evidence of compliance efforts. Contact me with a daytime phone number and we can set up a meeting and go over more details as to what must be done to bring the property to compliance.

Please call me should you have any questions.

Thank you,

A handwritten signature in cursive script that reads "John Van Doren".

John Van Doren
Code Enforcement Officer

EXHIBIT H

Mailed 3/19/13

RECEIVED

~~Max~~
~~ATA~~ 01 2013

City of Loma Linda
Comm. Dev. Dept.

Lowe Llaguno
c/o Rodolfo Llaguno
11534 Milford Haven Drive
Loma Linda, CA 92354

City of Loma Linda
Attn: John Van Doren
25541 Barton Road
Loma Linda, CA 92354-3160

April 26, 2013

Dear Mr. Van Doren:

I am writing to see if you received my previous mail. I have enclosed a copy of that correspondence for your convenience.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lowe Llaguno', with a long horizontal stroke extending to the right.

Lowe Llaguno



FILE COPY

City of Loma Linda

25541 Barton Road, Loma Linda, California 92354-3160
Code Enforcement (909) 799-2861 FAX (909) 799-2894

Administrative Citation

2013 -0019

Date first observed: 07/18/12 Last Inspection Date: 07/15/13 Issue date: 07/17/13

Citation issued to: Property Owner Tenant Business Owner Other:

Last name: Llaguno First Name: Rodolfo Middle name or initial:

Mailing Address: 11534 Milford Haven Dr City: Loma Linda State: CA Zip Code: 92354

Violation Location: Same as mailing address or:

APN 0283-245-12 Loma Linda, CA 92354

Violations:	Description	Violation #	\$ Fine
L.L.M.C. section 17.34.020	Nuisance -- Unpermitted land use Large storage container not permitted.	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$200
L.L.M.C. section 09.12.030 (B)(2)(a,c)	Nuisance -- Abandoned, discarded, neglected machinery, furniture.	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$200
L.L.M.C. section 09.12.030 (B)(3)	Nuisance -- Abandoned, discarded, unused equipment.	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$200
L.L.M.C. section 09.12.030 (B)(4)	Nuisance -- Storage, accumulation of trash and debris.	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$200
L.L.M.C. section 09.12.030 (B)(16)	Nuisance -- Property condition so unsightly as to diminish neighbouring property values.	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$200
L.L.M.C. section		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> Continuing	\$
L.L.M.C. section 9.24.100 Administrative Collection Cost Recovery			\$ 28.11
Nuisance Abatement Cost Recovery per schedule attached:			\$
Total fines and cost recovery:			\$ 1,028.11

Action Date Required Corrective Action(s)
07/31/2013 Abate all above nuisances and call for a compliance inspection.

Note: Every day the violation continues to exist constitutes another violation, subject to additional, incremental citation. Non-payment of fines will incur additional penalties per LLMC section 9.24.100(F).

Gil Garza
Name of Issuing Officer

Signature of Issuing Officer

Without admitting guilt, I acknowledge that I have received this citation:

Signature

Date

The law requires that you take steps to either: (1) COMPLY with this citation, or (2) CONTEST the violation. To COMPLY with this citation, correct the violation and pay the required fine. If you need further information about abating these violations, please contact the issuing officer.

TO CONTEST THIS CITATION, FOLLOW THE APPEAL PROCEDURES SET FORTH BELOW.

ADMINISTRATIVE CITATIONS

Loma Linda Municipal Code (LLMC) Section 9.24.030 provides for the issuance of administrative citations for Municipal or other Code violations. There are three levels of citations that can be issued progressively for a violation. The fines as indicated on the front of the citation are \$100.00 for the first citation, \$200.00 for the second citation, and \$500.00 for the third and subsequent citations for violations of the same code(s) within one year. LLMC Section 9.24.100 also provides for the recovery of Late Payment Penalties and all Administrative Costs associated with bringing your property into compliance.

These fines are cumulative; citations may be issued each day the violation exists.

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City of Loma Linda

FILE COPY

25541 Barton Road, Loma Linda, California 92354-3160 • (909) 799-2861 • FAX (909) 799-2894

Code Enforcement

Administrative Citation No. CE2013-00-42

Date First Observed: 07/08/2012 Last Inspection Date: 08/07/2013 Issue Date: 08/07/2013

Citation issued to:

Rodolfo Llaguno
11534 Milford Haven Drive
Loma Linda, CA 92354

Violation Location: APN No. 0283-245-12/ Adjacent to property 10741 Jasmine St., Loma Linda, CA 92354

Violations

17.34.020 - (Unpermitted land use), 09.12.030 (B)(3) - (Nuisance-Accumulation of abandoned equipment), 09.12.030 (B)(4) - (Nuisance-Existance of trash and debris), 09.12.030(B)(16) - (Nuisance-Maintaining unsightly property), 09.12.030 (B)(2)(c) - (Attractive nuisance-Storage of neglected household, equipment and appliances)

Required Corrective Action(s)

- 1 Cease unpermitted land use
2. Remove any abandoned or equipment
3. Remove any trash and debris
4. Bring property up to community standards
5. remove neglected machinery, broken discarded furniture, household equipments, unused appliances and unused equipment and similir objects

Date Issued	Fee	Amount	Amount Paid	Due Date
08/07/2013	Citation Processing Fee	\$22.00	\$0.00	08/07/2013
08/07/2013	Certified Mail Fee	\$6.11	\$0.00	08/07/2013
08/07/2013	Citation #3	\$500.00	\$0.00	08/07/2013
08/07/2013	Citation #3	\$500.00	\$0.00	08/07/2013
08/07/2013	Citation #3	\$500.00	\$0.00	08/07/2013
08/07/2013	Citation #3	\$500.00	\$0.00	08/07/2013
08/07/2013	Citation #3	\$500.00	\$0.00	08/07/2013

TOTAL DUE: \$2,528.11

Note: Every day the violation continues to exist constitutes another violation, subject to additional, incremental citation. Non-payment of fines will incur additional penalties per LLMC section 9.24.100(F).

Gil Garza
Name of Issuing Officer

Signature of Issuing Officer

Without admitting guilt, I acknowledge that I have received this citation:

Signature

Date

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CITY OF LOMA LINDA

Community Development Department
25541 Barton Road, Loma Linda, CA 92354
(909) 799-2830; FAX (909) 799-2894

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Loma Linda **Planning Commission** will hold a public hearing on **Wednesday, October 2, 2013, at 7:00 p.m.**, in the Council Chambers at 25541 Barton Road, Loma Linda, California, on the item described below.

Obtain

DECLARATION OF PUBLIC NUISANCE AND ABATEMENT ORDER – A request for determination of and declaration of the existence of a public nuisance on property located on a vacant lot (APN 0283-245-12), located between 25370 Mead Street and 10741 Jasmine Street and Abatement Order under the provisions of Loma Linda Municipal Code Chapters 9.12.

A copy of all relevant materials regarding the Public Nuisance Declaration and Abatement Order are on file in the Community Development Department at Loma Linda City Hall, 25541 Barton Road, Loma Linda, CA 92354.

The Planning Commission welcomes your participation in evaluating the above-mentioned action and the public is welcome to speak at the public hearing. If you challenge the resultant action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department at, or prior to, the public hearing.

BY ORDER OF THE
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF LOMA LINDA

Dated: September 23, 2013



City of Loma Linda

Rhodes Rigsby, Mayor
Ovidiu Popescu, Mayor pro tempore
Ronald Dailey, Councilman
Phillip Dupper, Councilman
John Lenart, Councilman

FINDINGS OF NUISANCE AND NOTICE TO ABATE

In Re: Hearing to determine if a public nuisance exists on a vacant lot (APN 0283-245-12), located between 25370 Mead Street and 10741 Jasmine Street. The Planning Commission, acting as Hearing Board, finds as follows:

WHEREAS, the property located at APN 0283-245-12, is located within the City of Loma Linda and is subject to Loma Linda Municipal Code.

WHEREAS, the City of Loma Linda Staff has confirmed the existence of multiple Municipal Code violations as set forth herein; and

WHEREAS, the property owner was served with multiple Notices of Violation and Citations describing the conditions constituting the violations and ordering abatement; and

WHEREAS, the property owner has had significant and reasonable time to correct all violations but has refused and/or failed to meet the deadlines prescribed by these notices; and

WHEREAS, the property owner received proper notice of this meeting pursuant to Loma Linda Municipal Code 9.12.050; and

WHEREAS, the property owner has the legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the City; and

WHEREAS, the violations set forth herein still exist on the property and the property remains in violation of the Loma Linda Municipal Code; and

WHEREAS, the existence of conditions on the property are inconsistent with the Loma Linda Municipal Code, and detrimental to the health, safety, comfort and general welfare of the public and persons residing in the City; and

WHEREAS, this board has considered the evidence concerning public nuisances on the property including relevant documents, writings, codes, ordinances, as well as oral testimony on this hearing; and

WHEREAS, this board finds that a public nuisance does exist on the subject property and there is sufficient cause to abate the nuisance,

NOW, THEREFORE, IT IS HEREBY:

Ordered:

That the property owner and/or other persons having charge or control of the premises abate all violations of Loma Linda Municipal Code as described herein by removal, rehabilitation, repair, demolition or such other abatement as is reasonable and appropriate in the manner and by the means specifically set forth herein. The property owner shall remediate the following conditions:

<u>LLMC or other Code Section</u>	<u>Nuisance Violations:</u>	<u>Method of Remediation</u>
17.34.020	Nuisance - Unpermitted land use. Storage container (CONEX box) on vacant lot is not listed as a permitted use in the Single Residence (R-1) zone.	Removal of storage container (CONEX Box).
9.12.030(b)(2)(a,c)	Nuisance – Abandoned, unused or broken equipment or objects, Neglected machinery, broken or discarded furniture, unused household equipment, accessible and unused refrigerators, freezers, cans, packing boxes, and similar objects;	Removal of broken or unused equipment.
9.12.030(b)(3)	Nuisance – Existence, storage, or accumulation of broken, discarded or inoperable household furnishings, appliances, tools or machinery, play equipment or other similar items;	Removal of abandoned household equipment.

That the removal of storage container, broken household equipment, abandoned unused equipment, and trash and debris shall be completed by November 2, 2013.

That City Staff is directed to take all necessary steps to assure the abatement is completed as ordered and if the property owner fails to comply with this order that City Staff approach City Council for authorization for a transfer of funds to abate such nuisance and that the costs of abatement shall become a lien on the subject property.

Dated: _____

Chairman, Loma Linda Planning Commission

Planning Commission

Regular Meeting of August 7, 2013

A regular meeting of the Planning Commission was called to order by Vice Chairman Rojas at 7:20 p.m., Wednesday, August 7, 2013, in the City Council Chambers, 25541 Barton Road, Loma Linda, California.

Commissioners Present: Miguel Rojas, Vice Chairman
Carolyn Palmieri
Fred Khosrowabadi

Commissioners Absent: John Nichols, Chairman
Nikan Khatibi

Staff Present: Konrad Bolowich, Assistant City Manager
Guillermo Arreola, Associate Planner
Jeffrey Peterson, Associate Engineer
Richard Holdaway, City Attorney

Vice Chairman Rojas led the Pledge of Allegiance. No items were added or deleted; no public participation comments were offered upon invitation of the Chairman.

PC-13-18 – Public Hearing - Precise Plan of Design (PPD) No. 13-07, Tentative Parcel Map 13-32 (No. 19452), Variance No. 13-067 – A request to develop an 87-Unit apartment project for property at 25259-25303 Van Leuven Street, located in the R-3 High Density Zone. The project includes a request for a Variance to reduce to the rear yard setback requirement and allow a wall that exceeds 6-feet in height along the rear property line and a request to consolidate seven parcels into one parcel. The property has a General Plan Land Use Designation of Very High Density Residential (0-20 du/ac) and is located in the R-3 High Density Zone

Vice Chairman Rojas introduced the item and opened the public hearing.

Associate Planner Guillermo presented the staff report into evidence. He indicated that Hogle-Ireland, Inc. prepared the Initial Study Mitigated Negative Declaration and also reviewed the Noise Study, Traffic Study and Air Quality Study for inclusion in the Initial Study. Christopher Brown, Director of Environmental Services with Hogle-Ireland was available to answer any questions.

Planning Commission congratulated staff and applicant for presenting an attractive and well-thought out project and on the copious use of trees and landscaping. Staff clarified that the rear set back variance request was for 0' rear set back, moving the handicap parking closer to the building was not possible as the parking nearer the buildings was enclosed garages, that the basketball court hoop was already against the back of a garage unit not a walkway, and that garages were of sufficient size to accommodate storage of bicycles rather than providing outdoor bike racks.

Applicant was agreeable to the use of stamped or colored concrete to delineate pedestrian path of travel where sidewalks from Van Leuven cross the interior driveway, as well as the addition of benches near the walkways under the trees.

In response to questions regarding the AC units, Terry Adkins with the Atlas Group noted that the AC units were located on the deck area of each unit.

No comments were offered by the public and Vice Chairman Rojas closed the public hearing.

Motion by Palmieri, seconded by Khosrowabadi and carried to approve staff recommendation to recommend that City Council adopt the Mitigated Negative Declaration, and approve Precise Plan of Design No. 13-78, Tentative Parcel Map No. 13-32 and Variance No. 13-67, based on the Findings and subject to the Conditions of Approval. Nichols and Khatibi absent.

PC-13-19 – Public Hearing - Development Code Amendment (DCA) No. 13-080 – A city initiated request to add to the Loma Linda Municipal Code (LLMC), Chapter 17.105 – Formula-Based Fast Food Restaurant and Section 17.105.010 to Title 17 (Zoning), and Section 17.02.205 – Formula-Based Fast Food Restaurants to Chapter 17.02 (Introduction and Definitions), to define and add specific provisions and regulations relating to formula based fast food restaurants in the City of Loma Linda

Vice Chairman Rojas introduced the item and opened the public hearing.

Assistant City Manager Bolowich presented the staff report into evidence, indicating that both Planning Commission and City Council have had discussions regarding drive through businesses, along with extensive citizen input over the last year or so. Working closely with the Loma Linda University Public Health Department, staff has developed the proposed Development Code Amendment which reflects the desires of the community but is still fair and clearly enforceable. This proposed Development Code Amendment limits the drive through component only and does not limit walk-in, sit down fast food type restaurants. It does limit new or replacement of existing fast food restaurants with a drive through, but with the attempt to not penalize existing restaurants.

He continued, indicating there are three parts – 1) defining Formula-Based Fast Food, (proposed LLMC Section 17.02.205); 2) clarifying that existing Formula-Based Fast Food drive through restaurants are existing, non-conforming and will be allowed to continue to operate, can be bought and sold, will be allowed to remodel with no increase in square footage, and can be replaced as it currently exists; and 3) existing establishments must stay in continuous operation.

Dick Wiley addressed the Planning Commission regarding the definition of a franchise and possible future economic loss to the City.

Vice Chairman Rojas responded that in his opinion the proposed DCA does not deter businesses but rather attracts the kinds of restaurants that make the city distinctive.

Commissioner Palmieri felt that rather than deterring businesses from locating in Loma Linda, it would attract more sit-down type restaurants.

No additional public comments were offered by the public and Vice Chairman Rojas closed the public hearing.

Motion by Khosrowabadi, seconded by Palmieri and carried to approve staff recommendation to recommend that City Council adopt Development Code Amendment (DCA) No. 13-080 – Regulations Relating to Formula Based Fast Food Restaurants. Nichols and Khatibi absent.

PC-13-20 – Approval of Minutes of July 17, 2013

Motion by Rojas, seconded by Palmieri and carried to approve the minutes of July 17, 2013 as presented. Nichols and Khatibi absent.

REPORTS BY PLANNING COMMISSIONERS

None.

REPORTS BY STAFF

Assistant City Manager Bolowich indicated that the Memory Care facility at New Jersey and Orange Streets was close to obtaining their Certificate of Occupancy and would like to start the September 4, 2013 meeting of the Planning Commission at 6:00 p.m. to facilitate a walk-thru of the facility.

The meeting adjourned at 8:23 p.m. to 6:00 p.m., September 4, 2013.

Minutes approved at the meeting of _____.

Barbara Nicholson
Deputy City Clerk