



DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

COMMUNITY REVITALIZATION DIVISION
2600 FRESNO STREET, ROOM 3070
FRESNO, CA 93721
(559) 621-8400, FAX (559) 488-1078
www.fresno.gov/

December 17, 2014

MAILED BY CERTIFIED AND FIRST CLASS MAIL

Michael J. Montgomery
6461 North Briarwood Avenue
Fresno, CA 93711

Dear Property Owner:

SUBJECT: NOTICE AND ORDER TO REMOVE PUBLIC NUISANCE
ADDRESS: 1527 L Street
APN: 466-142-04
CASE #: 14-00011013

NOTICE: Your property was recently inspected by the Community Revitalization Division and found to have violations of the Fresno Municipal Code. Please be advised that property owners are required to keep their property free of code violations.

VIOLATIONS AND CORRECTIVE ACTION REQUIRED: Attached is a list of violations and corrective action required. We are requiring that all listed violations be corrected and completed within the time frame noted in the attached Notice and Order Correction Notice. Staff will re-inspect to determine if corrections are in progress or have been completed.

FAILURE TO COMPLY: Failure to correct the violations within the time frame will result in further action which may include any or all of the following actions:

1. Issuance of administrative citations with penalties starting at \$200 per violation.
2. Administrative action by the City to remove the public nuisance violations (by demolition) at your expense pursuant to FMC 10-615 (a), (b) (3), (c) (1) – (3).
3. Request the City Attorney to institute legal action.

APPEAL: Any person entitled to service of this notice and order pursuant to Fresno Municipal Code Section 10-608 may file an appeal to the Hearing Officer pursuant to Article 4, Chapter 1 of the Fresno Municipal Code, provided the appeal is received by the Hearing Officer within 15 days of the service of this notice and order. The appeal shall be made in writing and filed with the Office of the City Manager located on the second floor of City Hall, 2600 Fresno Street, Fresno, CA 93721, (559) 621-7766.

FEES: The Community Revitalization Division is currently charging a fee of \$100 per hour for the enforcement/abatement action at this property. This fee includes inspections of the property and administrative time used by staff. Fees will also be charged for all actual and reasonable costs incurred by the city to abate the public nuisance including all direct and indirect costs to the city that result from the total abatement action. Failure to pay these fees and costs may result in a lien being attached to the property. These charges are in addition to any required permits or related fees necessary to correct the violation.

RECORDED DOCUMENTS: A Notice of Pending Administrative Action may be immediately filed against the property in the Office of the County Recorder. If the notice and order becomes final, as described in this article, it may be recorded against the property in the Office of the County Recorder. A fee of \$60 each will be charged to release any recorded documents.

If you have any questions, please contact me at (559) 621-8425 Monday- Thursday from 10 am- noon or by email at Jesse.Morrison@fresno.gov.

Sincerely,



Jesse J. Morrison
Community Revitalization Division

c: File
Site Posting

NOTICE AND ORDER CORRECTION NOTICE

REMOVE PUBLIC NUISANCE

Address: 1527 L Street
APN: 466-142-04

Date: December 17, 2014
Case #: 14-00011013

Pursuant to Chapter 10, Article 6 of the Fresno Municipal Code ("FMC"), an inspection of the premises was conducted and the following public nuisance conditions were found as defined within said Article.

MULTI-FAMILY DWELLING

- *B 1. Fire damaged structure in violation of FMC 10-605. (l); 11-406; 11-411.(a) (4, 12, 13, 15); 11-101; CBC Chapter 1 Division II §§ 105, 114, 116; 3401.2 et. seq. Obtain a fire report to determine the extent of damage attributable to the recent fire at the above referenced structure. Contact the Development and Resource Management Department/Building and Safety Division (621-8116) to schedule a fire report inspection. Submit plans and/or obtain permits as required and comply with all requirements noted in the fire report. These corrections shall be completed prior to the building being reoccupied. In the interim, the structure must be maintained vacant and secure.
Note: This item is not required if you demolish the structure.
- *B 2. Damaged structure unfit for human habitation in violation of FMC 10-605. (l); 11-406; 11-411.(a) (13, 15); 11-101; CBC Chapter 1 Division II §§ 105, 114, 116; 3401.2 et. seq. Submit plans and/or obtain building permits as required by the Development and Resource Management Department and make building repairs as needed to restore the dwelling to a habitable condition. In the interim, the structure must be maintained vacant and secure.
Note: This item is not required if you demolish the structure.
- *P/M 3. Fire damaged plumbing and/or mechanical systems in violation of FMC 10-605. (l); 11-406; 11-411.(a) (13, 15); 11-107; CPC Chapter 1 Division II § 101.5.5. Obtain a fire report to determine the extent of damage attributable to the recent fire at the above referenced structure. Contact the Development and Resource Management Department/Building and Safety Division (621-8116) to schedule a fire report inspection. Submit plans and/or obtain permits as required and comply with all requirements noted in the fire report. These corrections shall be completed prior to the building being reoccupied. In the interim, the structure must be maintained vacant and secure.
Note: This item is not required if you demolish the structure.
- *P/M 4. Damaged plumbing and/or mechanical systems in violation of FMC 10-605. (l); 11-406; 11-411.(a) (13, 15); 11-107; CPC Chapter 1 Division II § 101.5.5. Obtain plumbing and/or mechanical permits as required by the Development and Resource Management Department to repair these systems as needed to restore the dwelling to a habitable condition. In the interim, the structure must be maintained vacant and secure.
Note: This item is not required if you demolish the structure.
- *E 5. Fire damaged electrical system in violation of FMC 10-605. (l); 11-406; 11-411.(a) (13, 15); 11-107; CBC Chapter 1 Division II §§ 105, 114, 116; CEC 110.3; 110.12. Contact the Development and Resource Management Department/Building and Safety Division (621-8116) to schedule a fire report inspection. Submit plans and/or obtain permits as required and comply with all requirements noted in the fire report. These corrections shall be completed prior to the building being reoccupied. In the interim, the structure must be maintained vacant and secure.
Note: This item is not required if you demolish the structure.

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1527 L Street

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- *E 6. Damaged electrical system in violation of FMC 10-605. (l); 11-406; 11-411.(a) (13, 15); 11-107; CBC Chapter 1 Division II §§ 105, 114, 116; CEC 110.3; 110.12. Obtain electrical permits as required by the Development and Resource Management Department to repair this system as needed to restore the dwelling to a habitable condition. In the interim, the structure must be maintained vacant and secure.

Note: This item is not required if you demolish the structure.

GENERAL REQUIREMENTS

1. Rubbish/junk, including but limited to refuse, garbage, scrap metal or lumber, bush/tree trimmings, furniture and tires in violation of FMC 10-605. (a). Remove any and all aforementioned items and dispose of same in a legal manner.
2. Hazardous and/or dead trees in violation of FMC 10-605. (e). Remove hazardous and/or dead trees and dispose of same in a legal manner.
3. Failure to maintain building free from attractive nuisance violations in that the building has at times been in an "open/vacant" condition in violation of FMC 10-605(f); 11-411.(a). (12, 13, 16, 17); 11-422; CBC Chapter 1 Division II §116. Maintain building securely at all times.
4. Presumed presence of asbestos in violation of FMC 10-605. (l); 11-406; 11-411.(a) (13); CBC 3401.2; 3405.1 et. seq.; APCD Rule 4002. Contact the San Joaquin Valley Air Pollution Control District ("APCD") at (559) 230-5950 regarding asbestos abatement requirements. You must satisfy APCD asbestos abatement requirements and obtain a "Renovation Permit Release" from APCD prior to obtaining any required permits and prior to commencing any repairs and/or renovation. This may require an asbestos inspection performed by a Consultant certified by Cal-OSHA and a written report containing the inspection results. In addition, if Regulated Asbestos-Containing Materials ("RACM") are found, removal must be performed by a licensed and certified contractor in compliance with all local, state and federal guidelines. In some instances, there may be others who may perform the removal of RACM (such as an owner occupied property) but you must contact APCD regarding any alternative.

Note: If you choose to demolish the building you will be required to obtain a "Demolition Permit Release" from the APCD which may also require asbestos testing and removal.

5. City records show that the building(s) at the premises was built before 1/1/1978. As such, pursuant to and as defined by H&S Code § 17920.10, testing for "lead hazards" shall be conducted by a DHS Certified Inspector/Assessor if there is existing deteriorated paint or paint that would be disturbed by the repairs or rehabilitation in excess of 2 square feet of interior paint, 20 square feet of exterior paint or ten percent of the surface area of the interior or exterior type of component with a small surface area (examples include window sills, baseboards, and trim). FMC 10-605. (l); 11-406; 11-411.(a) (13); H&S § 17920.10. In addition, any lead abatement shall be done pursuant to, and in accordance with, California Code of Regulations Title 17, Division 1, Chapter 8, Article 16 § 36100 and H&S Code §§ 105250-105257. This includes following HUD/EPA recommended "Lead Safe Work Practices".

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6. Failure to maintain building(s) free from public nuisance violations to wit the building(s) is in a condition which constitutes a "blighted building" in violation of FMC 10-605. (m). Remove all conditions which constitute a blighted building as described by the following FMC Section 10-603. (c):

(c) "Blighted Building" means a vacant residential, commercial or industrial building and all yards surrounding the building that reduces the aesthetic appearance of its neighborhood, area or district, is offensive to the senses, or is detrimental to nearby property or property values. A blighted building includes a vacant building and the yards surrounding the building that are not being actively maintained, or actively monitored, or actively secured. To actively maintain, monitor, and secure a vacant building, the owner or his or her agent must comply with all sections of this article and do all of the following:

(i) Maintain all yards in compliance with any applicable development permits. If there are no applicable development permits, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with landscaping, as defined in this section, installed and maintained in a trimmed, live and healthy condition;

(ii) Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition;

(iii) Remove all trash and debris within seventy-two (72) hours of their placement or abandonment on the property;

(iv) Maintain the building in continuing compliance with all applicable state and local codes and regulations and any applicable city issued permits; and

(v) Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to 10 [to- jjm], the use and sale of controlled substances, prostitution and criminal street gang activity; and

(vi) Secure the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure which are readily accessible to trespassers by boarding or such other means as shall be accepted by the Director. For purposes of securing the building, boarding-up windows and doors shall be a disfavored technique and may only be used when it is determined by the Director that no other reasonable alternative exists. When a building is boarded, the owner shall comply with the requirements of Section 13-100.1500*, unless the Director requires alternative standards.

**CED Note: The correct Section reference should have been 13-1100.1500 which is now Section 11-335.*

(vii) Remove all graffiti on the property within forty-eight (48) hours of placement on the property.

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SEC. 10-605. - PUBLIC NUISANCE. It is unlawful for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property in this city to keep, maintain or deposit on said property any public nuisances. The City Council, by adoption of this ordinance declares, the keeping, maintaining or depositing of any of the following to be a public nuisance:

(a) Rubbish or junk, including but not limited to refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth.

(b) Any violation of the Uniform Fire Code, and such amendments as adopted by the State of California, as adopted by the city pursuant to Article 5 of Chapter 10 of this Code.

(c) The presence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property, except as expressly hereinafter permitted. Except as expressly permitted by law, it shall be unlawful, and an infraction, for any person to keep, store, or maintain upon any premises under his control any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof. Criminal prosecution pursuant to this section shall not preclude, nor be precluded by, abatement of such vehicles or parts thereof pursuant to the provisions of this chapter.

(d) The following weeds:

(1) Weeds which bear seeds of a downy or wingy nature.

(2) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.

(3) Weeds which are otherwise noxious or dangerous.

(4) Puncture vines and tumbleweed.

(5) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

(6) Dry grass and grass likely to become dry, stubble, brush, litter or other flammable material which endangers the public safety creating a fire hazard, as defined in the Uniform Fire Code as adopted by the city pursuant to Article 5 of Chapter 10 of this Code.

(e) Dead, decayed or hazardous trees, residue from a fire or demolition such as concrete or brick foundations and flatwork, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.

(f) Any attractive nuisance.

(g) Except as expressly permitted or required by law, exhibition, storage or repair of merchandise, signs (temporary, portable, or permanent or other forms of advertisement), bicycle racks, vending machines, or other obstructions upon any public sidewalk, median island, street, alley or public easement;

(h) Except as expressly authorized by law, park or store any vehicle upon an unpaved surface. It shall be presumed that the owner of the property and/or the person or entity occupying the property authorized the parking of the vehicle. It shall also be presumed that the registered owner of the vehicle parked the vehicle on the unpaved surface. The property owner, occupant and registered owner of the vehicle may all be held responsible for a violation of this subsection.

(i) Yard landscaping that has become so overgrown or uncontrolled as to create a fire hazard, obstruction to traffic or otherwise a blight to the neighborhood.

(j) Violation of zoning ordinance.

(l) Any violation of the Fresno Municipal Code wherein said violation has been declared a public nuisance.

(m) Blighted building.

SEC. 10-612. - APPEAL. Any person entitled to service under subsection (b) of Section 10-607 may appeal from any notice and order of the Director pursuant to Chapter 1, Article 4 of this code. If no appeal is filed within the time prescribed, the action of the Director shall be final. (Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 98-79, § 1, eff. 12-3-98)

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1527 L Street

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SEC. 10-615. - FAILURE TO COMPLY WITH FINAL ORDER.

(a) After any notice and order of the Director made pursuant to this article shall have become a final order, either by decision of the hearing officer affirming or modifying the same, or by failure to file an appeal within the time prescribed herein, no person or entity shall fail, neglect, or refuse to obey any such order. Any such person or entity who fails to comply with any such order is guilty of a misdemeanor.

(b) If, after the notice and order of the Director made pursuant to this article has become a final order, as described in subsection (a) above, and the responsible party has failed to timely comply with the final order, the Director may:

(1) Issue administrative citations pursuant to Section 1-308 et seq.; and/or,

(2) Request the City Attorney to exercise his/her discretion in the alternative, or cumulatively, to institute court action; and/or,

(3) Proceed with administrative abatement as provided in subsection (c).

(c) (1) Except where abatement will require the demolition or removal of a structure, the Director may proceed with administrative abatement by removing the public nuisance at the expense of the responsible party.

(2) Where abatement will require the demolition or removal of a structure, city or its agent shall not abate said nuisance without first obtaining an order from the City Hearing Officer. An order approving abatement in such circumstances may be obtained either (a) after an appeal of the notice and order, if the notice and order is appealed to the City Hearing Officer and the Hearing Officer so grants; or, (b) by the city scheduling and noticing a nuisance abatement hearing before the City Hearing Officer.

(3) Notice of a nuisance abatement hearing shall be served in the same manner as the notice and order. The notice shall state the time, place and location for hearing, how the city intends to abate the nuisance, the estimated cost of abatement, including administrative time, and that said abatement will be done at the expense of the owner. The hearing shall be set no earlier than 10 calendar days from the date of service. At the time and place set for hearing, city shall establish the existence of the condition constituting a public nuisance as defined in this ordinance, that a notice and order was properly served on the person(s) responsible, that said person(s) have failed to timely abate the nuisance, and that notice of the abatement hearing was properly served on the person(s) responsible. The Hearing Officer shall make findings regarding the existence of the nuisance, the proper service of the notice and order and the notice of the abatement hearing and shall confirm or deny the request to abate. (Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 2001-40, §§ 6, 7, 5-28-01).

SEC. 11-406. ABATEMENT OF DANGEROUS BUILDINGS. All buildings or portions thereof which are determined after inspection by the Building Official or Fire Chief to be dangerous as defined in this article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, or demolition in accordance with the procedure specified in Section 11-418 of this article. (Added Ord. 97-70, § 2, eff. 1-4-98).

SEC. 11-418. REPAIR, REHABILITATION, OR DEMOLITION.

(a) The building shall be repaired in accordance with the current Fresno Building Code or other current code applicable to the type of dangerous conditions requiring repair; or

(b) The building shall be demolished at the option of the building owner; or

(c) If the building or structure is vacant and does not constitute an imminent danger to life, limb, property or safety, it shall be boarded and temporarily secured against entry pursuant to Section 11-422 of this article.

(d) The building or structure may be posted with a placard(s) by the Fire Chief for the purpose of notifying Fire Department personnel of any potential dangers posed by the building or structure or any other requirements, restrictions or limitations for safely fighting a fire involving the building or structure. (Added Ord. 97-70, § 2, eff. 1-4-98; Am. Ord. 2004-133, § 1, 1-18-05).

Materials involved in public nuisances shall be disposed of in a legal manner.

Should you decide to repair the building(s), the repairs shall meet the requirements for new building(s) as described in Section 3403.1 et. seq. and/or 3409.1 et. seq., as applicable, of the California Building Code. Prior to commencing work, any required plans and specifications for repairs must be submitted to the Development and Resource Management Department. Once your plans are approved, permits will be issued for the commencement of the work.

If this property is listed on the "Local Register of Historic Resources" it is also regulated by Chapter 12 Article 16 (Historic Preservation Ordinance) of the Fresno Municipal Code ("FMC"), and will also be subject to the Historic Resource Permit Review Process as described in FMC Section 12-1617. et. seq.

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If you decide to demolish the building(s), you will need to obtain an Application For Demolition Permit from the Development and Resource Management Department. You will be required to provide a complete site plan drawn to scale clearly indicating all structures and property lines of the parcel. The Planning Division must review the proposed Demolition Permit Application and will then refer you to the Historic Preservation Officer (Karana Hattersley-Drayton (559) 621-8520) for review and signature. **DO NOT PROCEED WITH THE FOLLOWING STEPS UNTIL APPROVED BY THE HISTORIC PRESERVATION OFFICER.** Contact PG&E at (800) 743-5000 and schedule to have all PG&E services disconnected and/or capped off. You must also contact the San Joaquin Valley Air Pollution Control District at (559) 230-5950 regarding asbestos testing and removal from the building(s). Once you have satisfied their requirements, they will issue you a "Demolition Permit Release". Take the release form and the Application for Demolition Permit (signed by the Historic Preservation Officer) to the Planning Division for final review and signature. After this final review and signature, take the application to the Permit Counter to obtain sewer cap/ septic tank fill and demolition permits. Complete demolition of premises including removing, backfilling and compaction of all foundations, sub-floor and basement areas, paved walkways, driveways and flatwork, leaving a clean level vacant lot. This includes proper capping of water and sewer services, if applicable. It also includes removal of all debris, weeds, dead or decayed trees, useless material and overgrown landscaping. If any trees remain, limbs shall be trimmed to provide a minimum clearance of ten (10) feet above the ground for disking and to eliminate an unsightly appearance, blight to the neighborhood or a harborage for people. Once the sewer has been capped or the septic tank and drain wells filled, contact the Plumbing Section at (559) 621-8116 who will inspect the work and final the plumbing permit if the work is done properly. When all demolition work is complete, contact the Building Section at (559) 621-8116 who will inspect the property and final the demolition permit if the work is done properly.

DEADLINES:

If you choose to repair the building(s)

- Submit all required construction plans/specifications to the Development and Resource Management Department for approval by **January 17, 2015**. Diligently follow through with any plan check corrections and requirements.
- Obtain all required permits and commence work as soon as the aforementioned documents are approved by Development and Resource Management, but no later than **February 17, 2015**.
- All required permits to be finalized by their respective Departments and all corrections to be completed by **April 17, 2015**.

If you choose to demolish the building(s) following the guidelines listed above

- Obtain all required permits and commence demolition by **January 17, 2015**.
- Complete demolition and have all permits finalized by **February 17, 2015**.

If you are unable to meet any of the above referenced deadlines, contact the Community Revitalization Division immediately regarding a possible extension of time per FMC Section 10-614.

Permits required: *B- Building; *P/M- Plumbing/Mechanical; *E- Electrical

Pursuant to Fresno Building Code Chapter 1 Division II, plans may need to be submitted prior to obtaining permits. Bring this correction notice with you to the Development and Resource Management Department permit counter (559) 621-8084 when obtaining permits.

To request inspections after permits have been obtained, call the Inspection Services Section at (559) 621-8116 for inspection of correction items that require permits.

AFTER ALL REQUIRED PERMITS ARE FINALIZED, AN INSPECTION BY THE COMMUNITY REVITALIZATION DIVISION IS REQUIRED TO CLEAR THIS NOTICE AND ORDER.

Jesse J. Morrison
Community Revitalization Inspector