



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Communications (February 23, 1994 through March 9, 1994)

MEETING DATE: March 16, 1994

PREPARED BY: City Clerk

RECOMMENDED ACTION: Set Public Hearing for April 20, 1994 to consider appeal received from Faisal Sublaban appealing Notice of Public Nuisance and Order to Abate on the property located at 1107 South Central Avenue, Lodi.

BACKGROUND INFORMATION: The City Clerk's office is in receipt of a letter from Faisal Sublaban (Exhibit A attached) appealing Notice of Public Nuisance and Order to Abate on the property located at 1107 South Central Avenue.

It is recommended that this matter be set for Public Hearing at the regular City Council meeting of April 20, 1994.

FUNDING: None required.


Jennifer M. Perrin
City Clerk

JMP

Attachment

APPROVED. _____

THOMAS A. PETERSON
City Manager



EXHIBIT A

**FAISAL SUBLABAN
1906 ROYAL CREST DRIVE
LODI, CA 95242**

RECEIVED

ON FEB 24 AM 11:22

CLERK OF SUPERIOR COURT
SAN JOSE, CALIF.

February 24, 1994

City of Lodi
City Hall
P.O. Box 3006
Lodi, CA 95241-1910

RE: Assessor Parcel No. 047-080-22
Property Address:
1107 S. Central Ave.
Lodi, CA 95240

As the said property owner of the property listed above, I am appealing this notice of order to abate, pursuant to Section 201 of the Housing Code of the City of Lodi.

I request the right to have a hearing, and anticipate response from the City of Lodi.

Please send a copy of the Morris Ray case decision and the violations that were waived. If you should have any questions please contact me at (209) 339-8818.

Sincerely,



Faisal Sublaban

:fs

EXHIBIT B

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MAHN
Mayor Pro Tempore
RAY G. DAVENPORT
JOHN R. (Randy) SNIDER
PHILLIP A. PENNINO

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3008
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6786

January 28, 1994

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE
AND
ORDER TO ABATE

Faisal Sublaban
1906 Royal Crest Dr.
Lodi, CA 95242

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel Number - 047-080-22. Said Property is more commonly known as 1107 South Central Avenue, Lodi, California 95240.

As the property owner, you are hereby notified that the undersigned Building Official of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE As defined and prescribed for by Section 202 et seq. of the Housing Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On January 19, 1994, the Building Official caused said property to be inspected. The following violations were discovered:

Finding: 1. The detached garage has been converted into a separate dwelling unit.

This existing condition is in direct violation of Section 1001, paragraphs (a) and (n), of the Housing Code of the City of Lodi which reads:

Sec. 1001. (a) General. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 203 of the Building Code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

(n) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies shall be considered substandard.

Finding: 2. Construction of a second dwelling unit on a residential parcel which is zoned for one (1) residential unit. Elimination of the required covered off street parking which is necessary in the R-1 zone.

This existing condition is in direct violation of Section 17.09.020, of the Lodi Municipal Code which reads:

17.09.020 Permitted uses - Generally.

The following uses are permitted in the R-1 district:

- A. One-family dwelling, minimum six thousand five hundred square foot lot;
- B. Farming and gardening. (Prior code § 27-5(a)(1),(2))

DETERMINATION

As a result of the foregoing violations, the undersigned Building Official has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

(a) The structure on the property in question shall be returned to its original occupancy.

(b) The structure on the property in question shall be vacated until further notice of the Building Official. Vacation must be accomplished by March 1, 1994.

Appropriate building, plumbing, mechanical, electrical, demolition, or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

All repair and/or demolition work required herein shall begin within 45 days from the date of this Notice and shall be completed within 90 days of the date of this Notice.

ORDER TO ABATE

Pursuant to Section 201 of the Housing Code of the City of Lodi, This Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the times determined above.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice, may appeal the same to the City Council of the City of Lodi under section 1201 et seq. of said Housing Code. The appeal should be in writing and submitted to the City Council, in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within 30 days of the date of this Notice.

FAILURE TO COMPLY

In the event of your failure to comply with re requirements set forth above, the following may apply:

1. A citation may be issued.
2. Any person violating the provisions of the Building Code, Mechanical Code, Plumbing Code, Electrical Code, or Housing Code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office - (209) 333-6714.


JAMES H. SIEMERS
Code Enforcement Officer

cc: Donald Wolfe, 1107 S. Central Ave., Lodi, CA 95240
Occupant, Garage, 1107 S. Central Ave., Lodi, CA 95240

cc: Chief Building Official
Community Development Director
City Attorney

DECLARATION OF MAILING

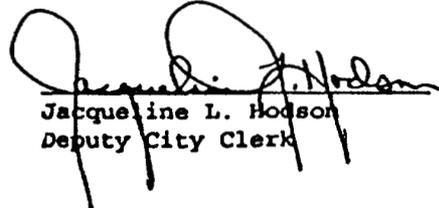
On March 17, 1994 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 17, 1994, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Hodson
Deputy City Clerk



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING
Date: April 20, 1994
Time: 7:00 p.m.

For information regarding this notice please contact:
Jennifer M. Perrin
City Clerk
Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

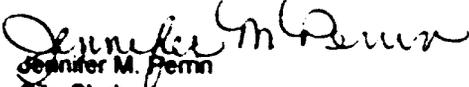
NOTICE IS HEREBY GIVEN that on Wednesday, April 20, 1994 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal received from Faisal Sublaban appealing Notice of Public Nuisance and Order to Abate on the property located at 1107 South Central Avenue, Lodi.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter 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 City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: March 16, 1994

Approved as to form:


Bobby W. McNatt
City Attorney

PUBLIC HEARING LIST

Page 1 of 2

MAILING LIST FOR 1107 S Central - Faisal Sublaban Appeal			FILE #	
AP#	OWNER'S NAME	MAILING ADDRESS	CITY, STATE	ZIP
047-080-22	Faisal Sublaban	1906 Royal Crest Dr.	Lodi CA	95242
-12	Shiu Kow & Wai Ming	1708 Timberlake Cir		
-14	Tom & O'Brien et al	1539 Portola	Stockton CA	95209
-15	Leonil & Q. Nunez	P.O. Box 2537	Lodi	95241
-16	Miranda Abel et al	322 Cypress St	"	95240
-17	C.G. & A. Mamoulelis	19571 Eagle St	Castro Valley CA	94546
-18	Melvin H & E.L. Adams	325 Poplar St	Lodi	95240
-19	Troy L & B.G. White	830 Derby Way	"	"
-20	Edward I. Harris	340 Poplar St.	"	"
-21	Raymond & R. Meleken	1161 S Central Av	"	"
-23	Peter & A. Bergman et al	11701 E Kettleman Lane	"	"
-24	"	"	"	"
-25	Esther Nickel Tr.	308 Leland Ct	"	95242
-26	Clyde Vincent Jr.	3191 Dunn Rd	Hayward CA	94545
-27	Ruby H. Cookley et al	P.O. Box 32	Lodi CA	95241
-28	Abel Castillo et al	333 E Cypress St	"	95240
-29	William & Jan Heiderbrecht	329 E Cypress St	"	"
-260-34	Carlos & K.L. Montelato	1544 Perez Dr.	Pacific	94044
-15	Beverly & J. Cornelius Tr.	1717 LeBer Ct	Lodi	95240
-290-01	Northern CA Conf. 7th Day Adventists	1230 S. Central	"	"
-290-20	James A & Kathleen Morris	415 Poplar St	"	"
-21	Charles F. Johnson	413 Poplar St	"	"
-23	Northern CA Conf. 7th Day Adventists	730 S. Fairmont	"	"
-22	James & Donna MacDougal	411 E Poplar St	"	"
-24	Traida Wolff	1050 S. Central Av.	"	"
-25	Clara Gann	1040 S. Central Av.	"	"
-100-03	Oscar C & B. Lawson	1027 S Central		
-04	Kathleen H. Schulz	1035 S Central		
-05	Fajt & V.E. Hoerth	1039 S Central		
-06	Rebecca Wilson	1641 S. Central		
-09	Donny & Debra Dasiet	339 Poplar St		
-10	Marionie D. Newman	336 Concord Ave		
-11	William B & G.M. Westenberg	335 Poplar		
-12	Robert N & Ting Arbanusip	332 Concord St		
-13	Jack E & S. Fransteller	328 Concord		
-14	Richard E Jr & Kathleen De'Al	327 Poplar		
-15	Keith & Dianna C. Igon	322 E Concord		

