

RESOLUTION NO. 2021-\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS 7914 CALLE DEL RIO ST. (APN 1210-451-01-0000), GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CALLE DEL RIO ST. AND GREENSPOT RD. AND ORDERING THE OWNERS OF THE PROPERTIES TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #4744)

**A. RECITALS**

1. On May 28, 2011, the City Code Compliance Officer Steven Rondina observed soil eroding from the footings of the exterior block wall located on the southwest corner of the property, creating a hazardous condition. The property was identified as 7914 Calle Del Rio St., San Bernardino County (APN 1210-451-01-0000).
2. The City of Highland has since inspected the property numerous times and discovered the continued deterioration of the block wall, damages to the City's Landscape Maintenance District, creating a public safety hazard, in violation of multiple sections of the Highland Municipal Code, and therefore constitutes a public nuisance.
3. Courtesy/Reminder Letters issued/mailed on:  
  
03/27/2018 (Initial Courtesy Letter 1)  
05/22/2018 (Initial Courtesy Letter 2)  
07/12/2018 (Initial Courtesy Letter 3)  
10/20/2018 (Initial Courtesy Letter 4)  
03/14/2019 (Initial Courtesy Letter 5)
4. Notices of Violation mailed on:  
  
06/01/2011 (Attachment A)  
01/16/2018 (Attachment B)  
02/21/2018 (Attachment C)
5. Administrative/Warning Citations, issued/mailed on:  
  
10/06/2011 - Citation # 05262 (Attachment D)  
10/21/2011 - Citation # 05232 (Attachment E)  
11/18/2011 - Citation # 05239 (Attachment F)  
06/12/2012 - Citation # 05628 (Attachment G)

11/28/2012 - Citation # 10151 (Attachment H)

04/24/2018 - Citation # 14589 (Attachment I)

6. Letters from City Attorney issued/mailed on: (Attachment J)

06/24/2021 - Notice to Correct Violation

09/14/2021 - Request to Inspect

10/26/2021 – Notice to Correct Violation

7. Pursuant to Chapter 8.32 of the Highland Municipal Code, a Notice of Public Hearing was mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the property owner on November 16<sup>th</sup>, 2021. A copy of the notice was also posted at the Property (Attachment K).

8. Building Official's Special Inspection Report issued on:

11/29/2021 (Attachment L)

## **B. RESOLUTION**

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission/Appeals Board of the City of Highland as follows:

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.
2. Staff timely notified the owner of the property that the Planning Commission/Appeals Board would be Holding a Public Hearing on December 7<sup>th</sup>, 2021; that Notice is attached hereto as Attachment G. The Public Nuisance Board held a Public Hearing on that Hearing Date, at which time, all written and oral evidence and testimony from the owner of the property, the Public, and Staff were considered.
3. All necessary hearings and opportunities for testimony, and comment have been conducted in compliance with the Municipal Code of the City of Highland.
4. The Public Nuisance Hearing has independently considered all relevant information of both the public, and Staff testimony, written and oral, including the Staff Report and its exhibits which are incorporated herein by this reference.

### **Order Finding and Ordering Abatement of Public Nuisance**

5. Based upon substantial evidence in the record, the Planning Commission/Appeals Board hereby declares that a public nuisance, as

defined by Highland Municipal Code 8.32.020, has been allowed to exist on the property generally located at 7914 Calle Del Rio St. (APN 1210-451-01-0000), the southwest corner of Calle Del Rio St. and Greenspot Rd., Highland, California 92346, since at least May 28<sup>th</sup>, 2011.

6. Specifically, based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above-referenced Hearing, the Planning Commission/Appeals Board finds as follows;
  - a. Highland Municipal Code Section 8.32.020 (A)(1). A public nuisance is created by every building or structure which has become dilapidated, dangerous or at risk of collapse resulting from decay, damage, faulty construction or arrangement, fire, wind, earthquake, flood, old age, or neglect.
  - b. Highland Municipal Code Section 8.32.020 (C). A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California).
  - c. Highland Municipal Code 15.28.010, adoption of 1997 Uniform Housing Code; Uniform Housing Code Chapter 10, Section 1001.3. Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards.
7. The Property Owner has continued to maintain a public nuisance and public safety hazard for failing to repair the damaged block wall and improper drainage, additionally causing damages to the City's Landscaped Maintenance District.
8. The Planning Commission/Appeals Board of the City of Highland hereby finds that the aforementioned Violations constitute a public nuisance, and hereby orders the Property Owner(s) to abate the aforementioned Violations, **within forty-five (45) days**. The Planning Commission/Appeals Board of the City of Highland hereby sets forth the actions necessary to abate the public nuisance from the Properties as follows:
  - a. Obtain all City Planning Approvals and Building Permit(s) to repair the damaged block wall.
  - b. Repair the damaged block wall and remove all drainage causing damages to the City's Landscape Maintenance District.
9. The administrative and incidental costs and expenses incurred in abating the nuisance, which are proved in accordance with provision of Highland

Municipal Code Section 8.32.180, shall be assessed against the Properties and shall result in a lien until paid.

10. Pursuant to Highland Municipal Code Section 8.32.110, the Planning Commission/Appeals Board of the City of Highland authorizes the abatement of the public nuisance by the city as follows:
  - (a) If the owner, agent of the owner, lessee, occupant, or person in possession of the Properties who are served with a notice of the final decision of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance, shall fail to take the required action within forty-five (45) days as specified above, the City shall commence with the lawful procedures to have the Properties abated.
  - (b) The costs and expenses of demolition, removal, and abatement by the City, including any additional administrative and legal and incidental expenses, pursuant to Highland Municipal Code Section 8.32.110, shall also be assessed and result in a lien upon the Properties until paid.
11. Any owner, occupant, or other party who has a legal or equitable interest in the Properties may appeal the final order of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance pursuant to Highland Municipal Code Section 8.32.210. The appeal must be in writing and must be filed with the City Council no later than 10 days from the date of service of this Planning Commission/Appeals Board Resolution finding and ordering the abatement of a public nuisance. After 10 days from the date of service of the Planning Commission/Appeals Board resolution finding and ordering the abatement of the public nuisance, the order is deemed final and may no longer be appealed.
12. A property owner also has a right to appeal the order ordering liability incidental and administrative expenses incurred and ordering the abatement of a public nuisance

PASSED, APPROVED AND ADOPTED this 7th day of December 2021.

ATTEST:

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Randall Hamerly,  
Planning Commission/Appeals Board  
Chair

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Lawrence A. Mainez,  
Community Development Director

## INITIAL CONTACT LETTER 1

## CITY OF HIGHLAND

27215 Baseline  
Highland, CA 92346  
909-864-6861

March 27, 2018

Kathleen Pearce  
7914 Calle Del Rio  
Highland, CA 92346

**RE: 7914 Calle Del Rio, Highland, CA 92346**

Dear Property Owner(s):

I'm sending this courtesy letter to advise you that I am getting ready to issue an Administrative Citation(s) for the above mentioned address. I've mailed Notices with no response. Please come to City Hall Building Safety Dept. **within the next 14 days** so that we can get compliance to this issue.

Thank you.



Teresa Jones  
Code Enforcement  
City of Highland  
(909) 864-6861 ext. 256

[tjones@cityofhighland.org](mailto:tjones@cityofhighland.org)  
<http://www.cityofhighland.org>

**OUR OFFICE IS CLOSED ON FRIDAYS**

Office Hours: Monday-Thursday 7:30 AM to 5:30 PM (no permits issued after 5:00 PM)

## INITIAL CONTACT LETTER 2

## CITY OF HIGHLAND

27215 Baseline  
Highland, CA 92346  
909-864-6861

May 22, 2018

Kathleen Pearce  
7914 Calle Del Rio  
Highland, CA 92346

**RE: Highland, CA 92346**

Dear Property Owner(s):

I'm sending this courtesy letter to you in an attempt to contact you regarding the damaged block wall on the exterior corner of your property.

Previous notices have been mailed to you and I attempted to contact you in person and you have not responded or obtained any permits. Failure to contact me or obtain permits may result in Administrative Citations and fines. Please contact me **within the next 10 days** to discuss this matter.

Thank you.

Barrie Owens  
Code Enforcement Officer



Barrie Owens  
Code Enforcement  
City of Highland  
(909) 864-6861 ext. 256

[bowens@cityofhighland.org](mailto:bowens@cityofhighland.org)  
<http://www.cityofhighland.org>

**OUR OFFICE IS CLOSED ON FRIDAYS**

Office Hours: Monday-Thursday 7:30 AM to 5:30 PM (no permits issued after 5:00 PM)

## INITIAL CONTACT LETTER 3

**CITY OF HIGHLAND**

27215 Baseline  
Highland, CA 92346  
909-864-6861

July 12, 2018

Kathleen Pearce  
7914 Calle Del Rio  
Highland, CA 92346

**RE: 7914 Calle Del Rio, Highland, CA 92346**

Dear Ms. Pearce,

On June 26, 2018, I spoke with you at your residence regarding the damaged rear yard block wall on your property. At that time, you stated you had the wall secured and would provide documentation for our Building Official to review.

As of today, I have not received any response or documentation from you. It is important that you provide proof of repair for review or additional Code Enforcement action may be required.

Please provide me with your proof of repair by July 19, 2018 in person, by fax (909) 862-3180, or by e-mail ([bowens@cityofhighland.org](mailto:bowens@cityofhighland.org)).

You can also contact me by phone at (909) 864-6861 ext. 256 if you have any questions.

I look forward to your response and your prompt attention to this matter.

Thank you.

Barrie Owens  
Code Enforcement Officer  
City of Highland

## INITIAL CONTACT LETTER 4

## **CITY OF HIGHLAND**

27215 Baseline  
Highland, CA 92346  
909-864-6861

October 20, 2018

Kathleen Pearce  
7914 Calle Del Rio  
Highland, CA 92346

RE: 7914 Calle Del Rio, Highland, CA 92346

Dear Ms. Pearce,

On June 26, 2018, I spoke with you at your residence regarding the damaged rear yard block wall on your property. The City has also mailed multiple letters and citations regarding this matter.

As of today, we have not received any response from you. You must obtain a building permit to repair(s) the block wall or provide all proof of repair by November 8, 2018 or additional Code Enforcement action may be required.

Thank you for your prompt attention to this matter.

Barrie Owens  
Code Enforcement Officer



Barrie Owens  
Code Enforcement  
City of Highland  
(909) 864-6861 ext. 256

[bowens@cityofhighland.org](mailto:bowens@cityofhighland.org)  
<http://www.cityofhighland.org>

**OUR OFFICE IS CLOSED ON FRIDAYS**

Office Hours: Monday-Thursday 7:30 AM to 5:30 PM (no permits issued after 5:00 PM)

## INITIAL CONTACT LETTER 5

# CITY OF HIGHLAND

27215 Baseline  
Highland, CA 92346  
909-864-6861

March 14, 2019

Kathleen Pearce  
7914 Calle Del Rio  
Highland, CA 92346

RE: 7914 Calle Del Rio, Highland, CA 92346

Dear Ms. Pearce,

As you are aware, the City has made multiple attempts to contact you regarding the damaged rear yard block wall on your property.

I spoke with you at your residence on June 26, 2018, and you said you would provide proof of repair for the City Building Official to review. As of today, we have not received any response from you. I reviewed the property records and see the City has issued multiple citations totaling over \$2300 regarding this matter.

I would like to schedule a meeting with you and the City Building Official to discuss this matter. Please contact me at (909) 864-6861 ext. 256 by April 1, 2019. Please note failure to contact me, provide proof of correction, or obtain a building permit by April 1, 2019 may result in additional citations and case referral to the City Attorney.

I look forward to your response and your prompt attention to this matter.

Barrie Owens  
Code Enforcement Officer



Barrie Owens  
Code Enforcement  
City of Highland  
(909) 864-6861 ext. 256

[bowens@cityofhighland.org](mailto:bowens@cityofhighland.org)  
<http://www.cityofhighland.org>

**OUR OFFICE IS CLOSED ON FRIDAYS**

Office Hours: Monday-Thursday 7:30 AM to 5:30 PM (no permits issued after 5:00 PM)

## Attachment A



City of Highland  
Community Development Department  
Uniform Housing Code

To: KATHLEEN PEARCE Date: 6/11/11

Property Located at: 7914 CALLE DEL RIO  
HIGHLAND CA, 92346

YOUR PROPERTY IS IN VIOLATION OF THE CITY OF HIGHLAND MUNICIPAL CODE AND/OR  
STATE OF CALIFORNIA, HEALTH, AND SAFETY CODE SECTION 17920.3

- ☐ Inadequate sanitation: \_\_\_\_\_
- ☐ Structural hazard: \_\_\_\_\_
- ☐ Nuisance: \_\_\_\_\_
- ☐ Hazardous electrical wiring: \_\_\_\_\_
- ☐ Hazardous plumbing: \_\_\_\_\_
- ☐ Hazardous mechanical equipment: \_\_\_\_\_
- ☐ Faulty weather protection: \_\_\_\_\_
- ☐ Fire hazard: \_\_\_\_\_
- ☐ Faulty materials of construction: \_\_\_\_\_
- ☒ Hazardous or unsanitary premises: Block wall to rear of the property  
DIRT HAS ERODED AWAY FROM FOOTINGS OF THE WALL
- ☐ Open / Vacant Dwelling: \_\_\_\_\_
- ☐ Inadequate fire-protection or firefighting equipment: \_\_\_\_\_
- ☐ Inoperable vehicle(s): \_\_\_\_\_
- ☐ Improper occupancy: \_\_\_\_\_
- ☐ Trash / Junk / Weeds / Overgrown vegetation: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

Please correct this condition by taking the following actions: TAKE DOWN HAZARDOUS  
PART OF WALL OR REPAIR

You have 14 days to complete the abatement of this violation. A reinspection of this property is scheduled for 6/15/11.  
Failure to correct the existing condition will result in further actions. You may be charged for any corrective action taken by the City if  
you fail to correct the violation.

The City of Highland appreciates your cooperation. If you have any questions, contact a Code Compliance officer, at

Phone: (909) 864-8732 Ext. 256 Fax (909) 862-3180

Accepted By: MAILED

S. PERAZA  
Code Compliance Officer

Thank You,  
City of Highland, 27215 Baseline, Highland, CA 92346

## ATTACHMENT B



## NOTICE OF VIOLATION

City of Highland  
CALIFORNIA  
Community Development Dept.  
Code Compliance Division  
27215 E. Base Line  
Highland, CA 92346  
(909) 864-6861

Property Owner: Kathleen Pearce

Issued To: VIOLATION ADDRESS: 7914 Calle Del Rio, Highland, CA 92346

Address SAME

D.L. #

D.O.B.

THIS IS TO INFORM YOU that you are in VIOLATION of one or more Sections of the Municipal Code as indicated:

- ☐ 8.20.040 CFC 605.5 Extension Cords
- ☐ 15.04.020 CBC 105.1 Permits
- ☐ 15.04.020 CBC 115 Stop Work
- ☐ 15.14.010 CRC 114 Stop Work
- ☐ 15.14.010 CRC R105.1 Permits
- ☒ Other

Required Action Rear block wall requires repair.

\* Come to City Hall / Building & Safety Dept. to obtain information and schedule inspection(s) to final the Permit(s) within the time frame.

Failure to take "Required Action" within 30 days will result in referral of this matter for legal action under the provisions of the Municipal Code.

Each day that the violation continues constitutes a new and separate offense.

FOR FURTHER INFORMATION TELEPHONE  
Phone Ex. 256

Teresa Jones  
CODE COMPLIANCE OFFICER

I acknowledge receipt of this NOTICE OF  
VIOLATION of the Municipal Code

1/16/2018

Date

## ATTACHMENT C



## NOTICE OF VIOLATION

City of Highland  
CALIFORNIA  
Community Development Dept.  
Code Compliance Division  
27215 E. Base Line  
Highland, CA 92346  
(909) 864-6861

Property Owner: Kathleen Pearce

Issued To: VIOLATION ADDRESS: 7914 Calle Del Rio, Highland, CA 92346

Address SAME

D.L. #

D.O.B.

THIS IS TO INFORM YOU that you are in VIOLATION of one or more Sections of the Municipal Code as indicated:

- ☐ 8.20.040 CFC 605.5 Extension Cords
- ☐ 15.04.020 CBC 105.1 Permits
- ☐ 15.04.020 CBC 115 Stop Work
- ☐ 15.14.010 CRC 114 Stop Work
- ☒ 15.14.010 CRC R105.1 Permits
- ☐ Other

Required Action 2nd NOTICE - Rear Block Wall damage

\* Come to City Hall / Building & Safety Dept. to obtain Permit(s) and schedule inspection(s) to final the Permit(s).

\* Failure to comply may result in issuance of CITATIONS: \*Cite#1= \$500; \*Cite#2 = \$750;  
\*Cite#3 - \$1,000.

Failure to take "Required Action" within 30 days will result in referral of this matter for legal action under the provisions of the Municipal Code.

Each day that the violation continues constitutes a new and separate offense.

FOR FURTHER INFORMATION TELEPHONE  
Phone Ex. 256

Teresa Jones  
CODE COMPLIANCE OFFICER

I acknowledge receipt of this NOTICE OF  
VIOLATION of the Municipal Code

2/21/2018  
Date

## ATTACHMENT D

91 7199 9991 7030 5066 7260

10-7-11



CITY OF HIGHLAND  
FINANCE DEPARTMENT  
27215 BASE LINE  
HIGHLAND, CA 92346  
(909) 864-6861

CITATION NO. 05262

### ADMINISTRATIVE CITATION

☒ **WARNING** Date: 10/6/11 Time: 9:05 (Violation observed)

☐ 1st Citation - \$100 ☐ 2nd Citation - \$200 ☐ 3rd Citation - \$500  
(and subsequent within 12 mos.)

Payment of \$ 0 is due on 0 (See reverse side for payment instructions)

Corrections indicated below are required by 10-21-11. If you fail to make the indicated corrections by this date, the next level citation may be issued. Other enforcement action may result if compliance is not achieved by the third citation.

Pence Kathleen PERSON CITED:  
LAST FIRST MIDDLE

RELATION TO VIOLATION:  
Owner Tenant Manager Agent Other

MAILING ADDRESS:

SAND BUSINESS NAME: (if any)

VIOLATION ADDRESS:

7914 CAVE DR RD HIL CA ASSESSOR'S PARCEL NUMBER

MUNI CODE SEC. VIOLATED

5.28.010 VIOLATION DESCRIPTION:

UNIFORM

HOUSING CODE

SEC 1001.3

STRUCTURAL

HAZARDS

CORRECTIONS REQUIRED:

Repair Back Wall

Signature of Issuing Officer: Issued Date: Acknowledgment of Receipt:

S. Rasmussen 10/6/11 MURIL JEN

Printed Name of Issuing Officer: Signature

S. Rasmussen

READ REVERSE SIDE FOR  
IMPORTANT INFORMATION

## ATTACHMENT E

91 7199 9991 7030 5066 7468

10-24-11



CITY OF HIGHLAND  
FINANCE DEPARTMENT  
27215 BASE LINE  
HIGHLAND, CA 92346  
(909) 364-6861

CITATION NO. **05232**

### ADMINISTRATIVE CITATION

☐ **WARNING** Date: 10-21-11 Time: 1:57 (Violation observed)

☒ 1st Citation - \$100 ☐ 2nd Citation - \$200 ☐ 3rd Citation - \$500  
(and subsequent within 12 mos.)

Payment of \$1 50.00 is due on 11-21-11 (See reverse side for payment instructions).

Corrections indicated below are required by 11-17-11. If you fail to make the indicated corrections by this date, the next level citation may be issued. Other enforcement action may result if compliance is not achieved by the third citation.

Francis KATHLEEN PERSON CITED:  
LAST FIRST MIDDLE

RELATION TO VIOLATION:  
Owner Tenant Manager Agent Other

MAILING ADDRESS:

BUSINESS NAME: (if any)

SAME  
VIOLATION ADDRESS:

ASSESSOR'S PARCEL NUMBER

MUNI. CODE SEC.  
VIOLATED

VIOLATION DESCRIPTION

|           |                                                     |
|-----------|-----------------------------------------------------|
| 15.23.010 | UNIFORM HOUSING CODE FOR 100% STRUCTURE IN PROGRESS |
|-----------|-----------------------------------------------------|

CORRECTIONS REQUIRED:

Reinforce Brick Wall

Signature of Issuing Officer:

Issued Date:

Acknowledgment of Receipt:

Printed Name of Issuing Officer:

Signature

READ REVERSE SIDE FOR  
IMPORTANT INFORMATION

## ATTACHMENT F

91 7199 9991 7030 5076 1364

11-18-11



CITY OF HIGHLAND  
FINANCE DEPARTMENT  
27215 BASE LINE  
HIGHLAND, CA 92346  
(909) 864-6861

CITATION NO. **05239**

### ADMINISTRATIVE CITATION

☒ **WARNING** Date: 11-18-11 Time: 9:00 AM (Violation observed)

☐ 1st Citation - \$100 ☒ 2nd Citation - \$200 ☐ 3rd Citation - \$500  
(and subsequent within 12 mos.)

Payment of \$ 200 is due on 12-18-11 (See reverse side for payment instructions).

Corrections indicated below are required by 12-18-11. If you fail to make the indicated corrections by this date, the next level citation may be issued. Other enforcement action may result if compliance is not achieved by the third citation.

Francis Estimote  
LAST FIRST MIDDLE  
RELATION TO VIOLATION:  
Owner Tenant Manager Agent Other  
MAILING ADDRESS:  
BUSINESS NAME: (if any)  
VIOLATION ADDRESS:  
ASSESSOR'S PARCEL NUMBER

| MUNI CODE SEC. VIOLATED | VIOLATION DESCRIPTION |
|-------------------------|-----------------------|
| 15.28.010               | UNIFORM HOUSING       |
|                         | CODE SEC 100.13       |
|                         | STRUCTURE             |
|                         | HAZARD                |

#### CORRECTIONS REQUIRED:

Repair Back wall of  
Remove Hazard

Signature of Issuing Officer: \_\_\_\_\_ Issued Date: 11-18-11 Acknowledgment of Receipt: MARCO

Printed Name of Issuing Officer: S. [Signature] Signature: \_\_\_\_\_

**READ REVERSE SIDE FOR  
IMPORTANT INFORMATION**

## ATTACHMENT G

91 7199 9991 7031 7079 6253

6-14-12



CITY OF HIGHLAND  
FINANCE DEPARTMENT  
27215 BASH LINE  
HIGHLAND, CA 92346  
(909) 864-6861

CITATION NO 05628

### ADMINISTRATIVE CITATION

☒ **WARNING** Date: 6-12-12 Time: 11:15 (Violation observed)

☒ 1st Citation - \$100 ☒ 2nd Citation - \$200 ☐ 3rd Citation - \$500  
(and subsequent within 12 mos.)

Payment of \$1,000.00 is due on 7-12-12 (See reverse side for payment instructions)

Corrections indicated below are required by 7/2/12. If you fail to make the indicated corrections by this date, the next level citation may be issued. Other enforcement action may result if compliance is not achieved by the third citation.

PERSON CITED: PEANUT KATHLEEN  
LAST FIRST MIDDLE

RELATION TO VIOLATION:  
Owner Tenant Manager Agent Other

MAILING ADDRESS: SAME BUSINESS NAME: (if any)

VIOLATION ADDRESS: 39141 CALLE DON RUIZ HI ASSESSOR'S PARCEL NUMBER

MUNI CODE SEC. VIOLATED VIOLATION DESCRIPTION

|           |                    |
|-----------|--------------------|
| 15.28.010 | UNIFORM HOUSING    |
|           | CODE, SEE 15.01.05 |
|           | STRUCTURAL         |
|           | HAZARDOUS          |

CORRECTIONS REQUIRED:

Repair rear  
Block wall on  
rears (HAZARDOUS)

Signature of Issuing Officer: Issued Date: Acknowledgment of Receipt:

Printed Name of Issuing Officer: S. K. ... Signature: MAILED

READ REVERSE SIDE FOR  
IMPORTANT INFORMATION

WHITE COPY: Citee GREEN: Officer PINK: Court CANARY: File

## ATTACHMENT H

91 7199 9991 7031 7132 5650

11-29-12

cert

1st class

(909) 864-8563



CITY OF HIGHLAND  
FINANCE DEPARTMENT  
2721 1/2 BASE LINE  
HIGHLAND, CA 92346  
(909) 864-6861

CITATION NO. 10151

### ADMINISTRATIVE CITATION

Date: 11-28-12 Time: 3:25 (Violation Observed)

☐ WARNING

☐ 1st Citation - \$ ☐ 2nd Citation - \$

☒ 3rd Subsequent - \$ 1,000.00

The payment listed above is due by 12-23-12. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 1-3-13. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

PEARCE, KATHLEEN

DL #:

DOB:

MAILING ADDRESS:

7914 CALIF DEL RID

VIOLATION ADDRESS:

SAME

MUNI. / STATE CODE  
SECTION VIOLATED

VIOLATION DESCRIPTION

15.28.010

Un. Exposed Hazardous

Code, Sec

1001.3

STRUCTURAL

Hazard

CORRECTIONS REQUIRED:

Repair, Remove, Replace  
Lateral or remove  
this serious part of  
hazard

Signature of Issuing Officer

11-28-12  
Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

READ REVERSE SIDE  
FOR IMPORTANT INFORMATION

GREEN FILE

## ATTACHMENT I



CITY OF HIGHLAND  
FINANCE DEPARTMENT  
27215 BASE LINE  
HIGHLAND, CA 92346  
(909) 864-6861

CITATION NO. 14589

### ADMINISTRATIVE CITATION

Date: 4/24/2018 Time: 11:00am (Violation Observed)

☒ **WARNING**

☐ 1st Citation - \$ 500<sup>00</sup> ☐ 2nd Citation - \$ 750<sup>00</sup>

☐ 3rd Subsequent - \$ 1000<sup>00</sup>

The payment listed above is due by —. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 5/09/2018. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

Pearce, Kathleen

DL #:

DOB:

MAILING ADDRESS:

7914 Calle Del Rio St, Highland CA 92346

VIOLATION ADDRESS:

7914 Calle Del Rio St, Highland CA, 92346

MUNI. / STATE CODE  
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC 15.29

New block wall damaged -

IPMC 302.7

requires repair

Unmarked wall.

CORRECTIONS REQUIRED:

Repair damaged  
new block wall. Obtain all Building  
permits prior to repair.

Barrie Owens  
Signature of Issuing Officer

4/24/2018  
Issued Date

BARRIE OWENS  
Printed Name of Issuing Officer

MAILED  
Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE  
FOR IMPORTANT INFORMATION**

WHITE COPY: FINANCE

## Attachment J



Jack Hensley

T 213.626.8484  
F 213.626.0078  
E [jhensley@rwglaw.com](mailto:jhensley@rwglaw.com)

350 South Grand Avenue  
37th Floor  
Los Angeles, CA 90071  
[rwglaw.com](http://rwglaw.com)

June 24, 2021

Kathleen Pearce  
7914 Calle Del Rio  
Highland, California 92346

Re: **Order to Abate Public Nuisance Conditions at 7914 Calle Del Rio**

Dear Ms. Pearce:

Our office serves as the City Attorney for the City of Highland ("City"). Pursuant to Highland Municipal Code ("Municipal Code") section 8.32.030, this letter serves as your notice of an alleged nuisance on your property located at 7914 Calle Del Rio, Highland, CA 92346 (A.P.N. 1210-451-01-0-000) ("Property") and directs you to abate the nuisance immediately.

The nuisance on your property is located at the southeast corner of the outer wall. Specifically, the wall is in violation of Municipal Code section 15.28.010 and Uniform Housing Code ("UHC") section 1001.3, which states that "[b]uildings or portions thereof shall be deemed substandard when they are or contain structural hazards." The wall on your property is substandard and a structural hazard due to a deteriorated foundation which has caused the wall to split, lean, and buckle.<sup>1</sup> Furthermore, the wall is in violation of Municipal Code section 8.32.020(A)(1), in that the wall "[h]as become dilapidated, dangerous or at risk of collapse resulting from decay [or] damage." City staff have attempted to work informally with you to abate this nuisance for nearly a decade. Repeated attempts to work with you have been unsuccessful, and the danger this wall poses now requires the City to take formal action.

**You are hereby directed to begin abatement of the described nuisance no later than the close of business on Thursday, July 29, 2021 by obtaining the necessary permits to fix or remove your wall.** Failure to begin the abatement process before July 29, 2021 will subject you to a nuisance hearing pursuant to Municipal Code section 8.32.060. At that hearing the City will pursue all lawful remedies to cure the nuisance, including an order to abate the public nuisance

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<sup>1</sup> UHC §§ 1001.3(1), 1001.3(4).

and an assessment lien against your property for the City's administrative and incidental costs incurred in the abatement process.

Furthermore, if you fail to obey the order to abate this nuisance, the City may abate the nuisance unilaterally, by the rehabilitation, repair, or demolition of the building or structures, or by otherwise eliminating the nuisance from the Property. The costs and expenses of abating the nuisance including the City's incidental and administrative expenses, will be assessed upon the Property, together with interest on the entire amount owed, and will result in a lien upon the Property until it is paid.

Please contact us no later than the close of business on Wednesday, July 28, 2021 to arrange for assistance to abate this nuisance. After that date, the City will commence formal abatement hearings against you.

Sincerely,



Jack D. Hensley

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Jack Hensley

T 213.626.8484  
F 213.626.0078  
E [jhensley@rwglaw.com](mailto:jhensley@rwglaw.com)

350 South Grand Avenue  
37th Floor  
Los Angeles, CA 90071  
[rwglaw.com](http://rwglaw.com)

September 14, 2021

VIA CERTIFIED MAIL

Kathleen Pearce  
7914 Calle Del Rio  
Highland, California 92346

Re: ***REQUEST TO ENTER PROPERTY AT 7914 CALLE DEL RIO, HIGHLAND,  
CALIFORNIA 92346 TO INSPECT NUISANCE CONDITIONS***

Dear Ms. Pearce:

As you are aware, our office serves as the City Attorney's Office for the City of Highland ("City"). This letter pertains to the southeast corner of the outer wall on your property located at 7914 Calle Del Rio, Highland, California 92346, also known as Assessor's Parcel Number 1210-451-01-0-000 (the "Property").

The City previously sent you a letter on June 25, 2021, informing you of the nuisance on your Property and ordering you to abate that nuisance. Specifically, the outer wall is in violation of Municipal Code section 15.28.010, and Uniform Housing Code ("UHC") section 1001.3. UHC section 1001.3 states that "[b]uildings or portions thereof shall be deemed substandard when they are or contain structural hazards." The wall on your Property is substandard and a structural hazard due to a deteriorating foundation, which has caused the wall to split, lean, and buckle.<sup>1</sup> Furthermore, the wall is in violation of Municipal Code section 8.32.020(A)(1), as the wall "[h]as become dilapidated, dangerous, or at risk of collapse resulting from decay [or] damage." As of the date of this letter, the City has cause to believe that these nuisance conditions still exist on your Property.

The City requests permission to enter upon the Property to inspect the nuisance conditions listed above. Please contact our office, or the Code Enforcement Department at the City, upon receipt of this letter to schedule a date for an inspection. **Failure to respond to this letter by September 24, 2021, will be understood to constitute a rejection to the City's request for permission.**

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<sup>1</sup> UHC §§ 1001.3(1), 1001.3(4).

If you as the Property owner refuse the City permission to enter upon the Property to inspect the nuisance conditions thereon, the City will be forced to promptly seek an administrative inspection warrant pursuant to the procedures provided in California Code Civil Procedure, Sections 1822.50 through 1822.59.

If you have any questions concerning this matter, please feel free to contact me.

Sincerely,



Jack Hensley

cc: Maricela Marroquin, City Attorney

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Jack Hensley

T 213.626.8484  
F 213.626.0078  
E [jhensley@rwglaw.com](mailto:jhensley@rwglaw.com)

350 South Grand Avenue  
37th Floor  
Los Angeles, CA 90071  
[rwglaw.com](http://rwglaw.com)

October 26, 2021

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kathleen Pearce  
7914 Calle Del Rio  
Highland, California 92346

**Re: Inspection of Block Wall: Corrective Action Required**

Dear Mrs. Pearce:

As you are aware, our office serves as the City Attorney's Office for the City of Highland ("City"). With your permission, the City's Building and Safety Division recently conducted an inspection of your home, located at 7914 Calle Del Rio, Highland, California 92346, or more commonly referred to as A.P.N. 1210-451-01-0-000 (the "Property"), on Wednesday, October 6, 2021, at 10:30 a.m. Also present were City Assistant Planners, a Code Enforcement Officer, and myself. The purpose of this inspection was to investigate the existence of possible violations of the Highland Municipal Code ("Municipal Code"), and those codes adopted therein.

During this inspection, the City confirmed that the block wall on the southwest corner of your Property is in violation of Municipal Code section 15.28.010, and Uniform Housing Code ("UHC") section 1001.3. UHC section 1001.3 states that "[b]uildings or portions thereof shall be deemed substandard when they are or contain structural hazards." The wall on your Property is substandard and a structural and public safety hazard due to a deteriorating foundation, which has caused the wall to split, lean, and buckle.<sup>1</sup> Furthermore, the wall is in violation of Municipal Code section 8.32.020(A)(1), as the wall "[h]as become dilapidated, dangerous, or at risk of collapse resulting from decay [or] damage." Additionally, the current apparatus that is being used to hold the wall in place and prevent it from collapsing is a public safety hazard and an unacceptable remedy for the situation.

The City has reason to believe that an earthquake, or significant rainfall, could cause the wall to completely collapse, crumble, and cascade down the slope on the southeast corner of your Property into the public right-of-way. Although the City appreciates your cooperation in

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<sup>1</sup> UHC §§ 1001.3(1), 1001.3(4).

permitting the inspection, the state of the wall and the risk of harm to others created thereby forces the City to take further action.

**You are hereby directed to begin abatement of the described nuisance immediately.** Failure to initiate this process within the next two weeks, or by November 12, 2021, will force the City to hold a nuisance hearing pursuant to Municipal Code section 8.32.060. A subsequent letter will be mailed out shortly after November 12, 2021, with the details of the hearing should you choose not to repair the wall.

At this hearing the City will pursue all lawful remedies to cure the nuisance, including an order to abate the public nuisance, as well as an assessment lien against your property for the City's administrative and incidental costs incurred in the abatement process.

**Failure to comply with the City's orders may force the City to abate the nuisance unilaterally.** The City may seek an abatement warrant to unilaterally demolish the dilapidated portion of your wall and the foundation thereunder, and repair it accordingly to local zoning and building codes. The costs of this process will be levied against your home as a lien. At this time, the City is unable to provide an estimate on the costs or timeline for the repair of the wall.

**If you wish to cooperate with the City and make the repairs yourself, please contact us no later than close of business on Friday, November 12, 2021.** The City will coordinate with you on what exactly must be repaired, and what the wall must look like upon completion in order to comply with local codes.

Sincerely,



Jack Hensley

cc: Maricela Marroquin, City Attorney

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## ATTACHMENT K



**NOTICE OF HEARING ON THE  
ABATEMENT OF A PUBLIC NUISANCE**

Dear Kathleen Pearce:

This notice is to inform you of a hearing to be held before the Planning Commission/Appeals Board to determine whether certain conditions and/or uses existing at 7914 Calle Del Rio, Highland, California 92346 (referred to after this as the "Property") constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland. The public hearing shall take place at the following place, day and time:

**Time and date of hearing:** 6:00 pm; December 7, 2021

**Location of hearing:** Highland City Hall, Council Chambers, 27215 Base Line, Highland, California 92346

**The Property is more particularly described as follows:**

San Bernardino County Assessor's Parcel Number: 1210-451-01-0-000

Street Address: 7914 Calle Del Rio, Highland, California 92346

You may bring any witnesses, pictures, photographs, reports, or any other exhibits to this hearing which you feel will establish or prove the Property is not a public nuisance. You may be represented by an attorney. You will have an opportunity to examine all evidence and witnesses testifying against you. The Appeals Board/Planning Commission staff report will be available Thursday, December 2, 2021, in the afternoon, and will be posted on the City's website. The staff report will be hand-delivered, mailed certified, and emailed if an email address is on file. For further information related to this hearing, please contact Community Development Director Lawrence Mainez, by telephone at (909) 864-6861 ext. 215, or by e-mail at [lmainez@cityofhighland.org](mailto:lmainez@cityofhighland.org).

If the Planning Commission/Appeals Board determines at the end of the hearing that this Property is in fact a public nuisance, you will be ordered to abate the public nuisance or the condition thereof and your property will be assessed the City's administrative and incidental costs incurred up to that stage in the abatement process. This assessment will result in a lien upon your property until paid. Thereupon, if you fail to obey the Planning Commission/Appeal Board's order to abate this nuisance, the City may do so for you, by the rehabilitation, repair, or demolition of the building or structures, or by otherwise eliminating the nuisance from the Property. The costs and expense of abating the nuisance including the City's incidental and administrative expenses will be assessed upon the Property, and will result in a lien upon the Property until it is paid.

In addition, you may also be cited for violations by the City of Highland, including but not limited to the Highland Municipal Code and/or Development Code and be subject to criminal proceedings.

**Mayor**  
Penny Lilburn

**Mayor Pro Tem**  
Larry McCallon

**City Council**  
Jesse Chavez

**City Council**  
Anaëli Solano

**City Council**  
John P. Timmer

**City Manager**  
Joseph A. Hughes

27215 Base Line • Highland, CA 92346

Tel: 909.864.6861 • Fax: 909.862.3180 • [www.cityofhighland.org](http://www.cityofhighland.org)



The conditions of the Property constituting a public nuisance are as follows:

The block wall on the southwest corner of your Property is in violation of Municipal Code section 15.28.010, and Uniform Housing Code ("UHC") section 1001.3. UHC section 1001.3 states that "[b]uildings or portions thereof shall be deemed substandard when they are or contain structural hazards." The wall on your Property is substandard and a structural and public safety hazard due to a deteriorating foundation, which has caused the wall to split, lean, and buckle.<sup>1</sup> Furthermore, the wall is in violation of Municipal Code section 8.32.020(A)(1), as the wall "[h]as become dilapidated, dangerous, or at risk of collapse resulting from decay [or] damage." Additionally, the current apparatus that is being used to hold the wall in place and prevent it from collapsing is a public safety hazard and an unacceptable remedy for the situation.

You may voluntarily abate the nuisance yourself by doing the following things:

Obtain all necessary permits to remove and reconstruct the portions of the wall segment that have failed. Additionally, in order to prevent the wall from failing in the future, the underlying foundation and drainage system may also need to be repaired and/or replaced. Please contact the City's Building Official Matt Wirz at 909-864-8732 ext. 202 between the hours of 7:30 a.m. and 5:00 p.m., so that he can provide you with further details and instructions on how to abate the nuisance conditions.

If you choose to voluntarily abate this nuisance prior to this hearing, you may notify the Community Development Director at least three (3) days prior to the date of hearing set forth above, for a prehearing inspection.

Dated this 16 day of November 2021.



Lawrence A. Mainez,

Community Development Director

Cc: Barrie Owens, Code Enforcement Officer

Code Enforcement File

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<sup>1</sup> UHC §§ 1001.3(1), 1001.3(4).

**AFFIDAVIT OF MAILING**

STATE OF CALIFORNIA                     )  
COUNTY OF SAN BERNARDINO         )

I am a citizen of the United States, over the age of eighteen years of age, not a party to this action, and I am a resident of and or employed in San Bernardino County where the mailing took place. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On November 16, 2021, I caused to be served a copy of the attached Public Hearing Certified Mail, Return Receipt Requested, to the following parties: Wesley Cover. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Parties as more fully detailed below.

Kathleen Pearce  
7914 Calle Del Rio  
Highland, CA 92346

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

Dated: 11-16-2021



Shannon Wisniewski,  
Administrative Assistant III  
City of Highland

## Attachment L

11/29/2021



**RE: Code Special Investigation – Wall**

Site Address: 7914 Calle Del Rio St. Highland, CA 92346

Owner: Kathleen Pearce

Dear Property Owner,

This letter has been provided to the Property owner to outline the observed conditions of the block wall structure at the subject address as requested by Mr. Lawrence Mainez, the City of Highland's Community Development Director.

The City of Highland, Building and Safety Division, conducted an inspection of the above property on Wednesday, October 06, 2021, at 10:30 am. The following is a list of conditions or items noted from the Joint interdepartmental inspection.

**Standard Application**

1. Prior to the commencement of work, planning department approvals and a Building Permit must be obtained if the wall is to be removed and replaced.
2. Prior to permit issuance, provide a plot plan or report of survey of the entire property, indicating all structures and distances from property lines. (It is recommended that the Planning Department review preliminary plans prior to full plans being developed and submitted).
3. Please provide (3) copies of all submitted information. Include the property owner's name, site address and phone numbers on all submitted sheets. If different than the property owner, provide contact information of the person in charge of the plan design. Structural Calculations shall be required for a proposed wall design unless an approved City Standard Design is used.

**Specific Items to Address**

1. The Southwestern portion of a free-standing wall structure is pulling away from other wall segments. The failed wall segments measure an approximate:
  - a. Eight-foot segment with two pilaster columns on the western wall and
  - b. A Twenty-foot segment to the southern wall.

The structure appears to be a standard six-foot tall concrete masonry wall with twelve-inch-deep footing.

A portion of the wall, an eight-foot segment, is currently being braced with a temporary cable attached to a driven pole resisting the wall overturning. The overturning is also opposed by the dirt slope retaining the bottom portion of the West Wall and foundation from the exterior side.

2. The Concrete slab adjacent the wall location, interior of the subject property, has been undermined. The cavity appeared to be approximately 36" X 60" by 24" deep underneath the concrete slab. There appears to be some sort of pipe extending from the soil vertically and encased on the top side into the concrete slab. The source and purpose of this pipe is undetermined as it could not be investigated.
3. The source of the failure should be investigated further. The start of the damage appears to date back to around 2010/2011, and it may have simply been water accumulating in the rear yard and worsening the condition over time or it may be a damaged drainpipe/irrigation pipe that has caused the undermining of the wall and slab. The source may lead to future issues if not found and mitigated.
4. A city issued building permit would need to be obtained for the replacement wall segment. The soil would need to be backfilled and compacted under the slab and the landscape easement slope would need to be restored to the satisfaction of the City. Include a wall detail with structural calculations for the wall design with the permit application. The replacement or repair of the structure should be designed to resist the overturning, uplift, and sliding, to eliminate any potential public hazard or additional damages to the right-of-way.
5. It is my understanding this compromised block wall is part of an open Code Enforcement Case which will require your immediate attention to mitigate. It is further understood that the City's Code Enforcement Division is recommending the required permit and repairs be completed within 45 days commencing the date the Appeals Board takes action.

Should you have any questions or need further assistance, please contact this office at 909-864-8732 ext. 202 between the hours of 7:30 AM and 5:30 PM, Monday through Thursday.

Matt Wirz  
mwirz@cityofhighland.org

CC: Code Enforcement, file

Enclosed: Permit application - Building & Safety



## **PERMIT APPLICATION**

CITY OF HIGHLAND BUILDING DIVISION  
27215 BASE LINE, HIGHLAND, CA 92346  
(909) 864-8732

BULLETIN

January 2020

### **#1 IDENTIFY YOUR BUILDING PROJECT**

SITE ADDRESS \_\_\_\_\_

TRACT \_\_\_\_\_ LOT NO. \_\_\_\_\_ ASSESSORS PARCEL NUMBER \_\_\_\_\_

OWNER NAME \_\_\_\_\_ PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

DESCRIPTION OF WORK \_\_\_\_\_

SQUARE FEET \_\_\_\_\_ TYPE OF CONSTRUCTION \_\_\_\_\_ VALUATION \_\_\_\_\_

AGENTS NAME \_\_\_\_\_ PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

NOTARIZED LETTER REQUIRED \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_

### **CONTRACTOR, ARCHITECT AND ENGINEER INFORMATION**

CONTRACTOR \_\_\_\_\_ PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

STATE LICENSE NO. \_\_\_\_\_ LICENSE TYPE \_\_\_\_\_ EXPIRE DATE \_\_\_\_\_

CITY LICENSE NO. \_\_\_\_\_ WORKMAN COMP INS. CO. \_\_\_\_\_

POLICY NO. \_\_\_\_\_ EXP. DATE \_\_\_\_\_ PHONE \_\_\_\_\_

ARCHITECT \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

STATE LICENSE NO. \_\_\_\_\_ EXP. DATE \_\_\_\_\_

ENGINEER \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

STATE LICENSE NO. \_\_\_\_\_ EXP. DATE \_\_\_\_\_

## **#2 IDENTIFY WHO WILL PERFORM THE WORK (Complete *either* 2a or 2b)**

### **2a – CALIFORNIA LICENSED CONTRACTOR'S DECLARATION**

I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Contractor Name and Address: \_\_\_\_\_

License, Class and No. \_\_\_\_\_ Contractor Signature \_\_\_\_\_

### **2b – OWNER-BUILDER'S DECLARATION**

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the reason(s) indicated below by the checkmark(s) I have placed next to the applicable item(s) (Section 7031.5, Business and Professions Code: Any city or county that requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for the permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt from licensure and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).):

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do ☐ all of or ☐ portions of the work, and the structure is not intended or offered for sale (Section 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who, through employees' or personal effort, builds or improves the property, provided that the improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the Owner-Builder will have the burden of proving that it was not built or improved for the purpose of sale.).

☐ I, as owner of the property, am exclusively contracting with licensed Contractors to construct the project (Section 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who builds or improves thereon, and who contracts for the projects with a licensed Contractor pursuant to the Contractors' State License Law.).

☐ I am exempt from licensure under the Contractors' State License Law for the following reason:

\_\_\_\_\_

By my signature below I acknowledge that, except for my personal residence in which I must have resided for at least one year prior to completion of the improvements covered by this permit, I cannot legally sell a structure that I have built as an owner-builder if it has not been constructed in its entirety by licensed contractors. I understand that a copy of the applicable law, Section 7044 of the Business and Professions Code, is available upon request when this application is submitted or at the following Web site: <http://www.leginfo.ca.gov/calaw.html>.

Property Owner or Authorized Agent Signature \_\_\_\_\_ Date \_\_\_\_\_

## **#3 IDENTIFY WORKERS' COMPENSTATION COVERAGE AND LENDING AGENCY**

**WARNING:** FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

### WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

☐ I have and will maintain a certificate of consent to self-insure for workers' compensation, issued by the Director of Industrial Relations as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. Policy No. \_\_\_\_\_

☐ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier \_\_\_\_\_ Policy No \_\_\_\_\_ Expiration Date \_\_\_\_\_

Name of Agent \_\_\_\_\_ Tel No \_\_\_\_\_

☐ I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that, if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

### DECLARATION REGARDING CONSTRUCTION LENDING AGENCY

I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Section 3097, Civil Code).

Lender's Name and Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## **#4 DECLARATION BY CONSTRUCTION PERMIT APPLICANT**

### 4A – HAZARDOUS MATERIALS

If the intended occupancy will use chemicals you acknowledge that Health and Safety Code Sections 25502, 25533 and 25534 as well as filling directions were made available to you. I am aware of my responsibilities to implement lead-safe work practices as required by the Health and Safety Code Section 17920.10 and 105256 when conducting renovation, repair or painting work in pre-1978 residences, childcare facilities or schools. I will ensure that any paint disturbed work will be done by or supervised by RRP certified individuals. Failure to follow this rule may result in enforcement action by the EPA.

### 4B – PERMIT DECLARATION SIGNATURE

By my signature below, I certify to each of the following:

I am ☐ a California licensed contractor or ☐ the property owner\* or ☐ authorized to act on the property owner's behalf\*\*.

I have read this construction permit application and the information I have provided is correct.

I agree to comply with all applicable city and county ordinances and state laws relating to building construction.

I authorize representatives of this city to enter the above-identified property for inspection purposes.

California Licensed Contractor, Property Owner\* or Authorized Agent\*\*:

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

*\*requires separate verification*

*\*\*requires separate authorization*

This permit/plan review expires by time limitation and becomes null and void if the work authorized by the permit is not commenced within 180 days from the date of permit issuance or if the permit is not obtained within 180 days from the date of the plan submittal. This permit expires and becomes null and void if any work authorized by this permit is suspended or abandoned for 180 days or if no progressive work has been verified by the City building inspector for a period of 180 consecutive days.

### **CALLS FOR INSPECTION**

Request for inspection must be made at least one business day in advance of the inspection by telephone at  
(909) 864-2136 ext. 228