AGENDA ITEM NO: VIII D 6:00 P.M.

PLANNING COMMISSION

APPROVED BY

DARM DEPARTMENT DIRECTOR

City of FRESNO

REPORT TO THE PLANNING COMMISSION

March 28, 2014

FROM: ELAINE ROBLES-MCGRAW,
Community Revitalization Division Manager
Development and Resource Management Department

BY: RICHARD SALINAS, Senior Community Revitalization Specialist

SUBJECT: Appeal of the Notice of Revocation of Site Plan Review No. S-96-76 and Major Revised Exhibit No. S-11-57

RECOMMENDATION

Staff recommends the Planning Commission take the following action:

1. Adopt "Procedures for Special Permit Revocation Proceeding" for Appeal regarding Subject Property.

2. Deny the Appeal, and uphold the Director's revocation of S-96-76 and S-11-57.

EXECUTIVE SUMMARY

Planning Commission Rules and Regulations set forth the minimum requirements for revocation hearings. Staff recommends adopting the attached special procedures for revocation hearings in order to implement the requirements of the rules and regulations and to provide a template for an orderly proceeding. Finally, staff recommends hearing and voting on item 1 prior to beginning the revocation hearing for the Subject Property. The recommended special procedures are attached to this report.

For the past ten years the property located at 2680 N. Miami ("Subject Property") has been the subject of extensive Code Enforcement activity. In 1996, Michael and Vincenza Occhionero ("Property Owners") were issued an approved Site Plan authorizing them to operate a recycling facility that recycles polyurethane foam as well as cardboard, glass, plastics and other items at the Subject Property. In 2011, the City approved the Property Owners' application for a Major Revised Exhibit to the original Site Plan which authorized additional outdoor storage. (The Site Plan and Major Revised Exhibit will be collectively referred to herein as the "**Special Permits**").

The Property Owners have been issued numerous corrective notices and citations from the City relating to Municipal Code and Fire Code violations at the Subject Property. However, the City's actions over the past ten years have failed to induce the Property

Owners to comply with the conditions of approval under the applicable Special Permits. Most recently, the City was compelled to conduct a court-authorized abatement at the Subject Property for numerous Special Permits violations. In less than three months since the abatement, the Subject Property has reverted back to multiple violations of the Special Permits.

THE SUBJECT PROPERTY

The Subject Property is a .52 acre parcel located at 2680 N. Miami Avenue, Fresno, California, Fresno County Assessor's parcel number 496-217-09. The Subject Property is Zoned M-1 (Light Industrial).

PROPERTY OWNERS

The current owners of record for the Subject Property are Michael and Vincenza Occhionero.

APPLICABLE SECTIONS OF THE FRESNO MUNICIPAL CODE

FMC Section 12-405 governs the issuance and enforcement of special permits, which include variances, conditional use permits and site plans. FMC Section 12-405-A(3) sets forth the findings that must be made in order to approve a site plan and FMC Section 12-405-B sets forth guidelines for requiring that a special permit be subject to particular conditions.

Finally, FMC Section 12-405-E sets forth the requirements and procedures for revoking a special permit. Specifically, FMC Section 12-405-E states that "revocation shall be for good cause including, but not limited to, the failure to comply with conditions or complete construction as required by subsection C, the failure to comply with any condition contained in the special permit, failure to comply with the general sign provisions of Sections 12-1701 through 12-1718 and the Outdoor Advertising provisions of the zone district for which the special permit was granted, or the violation by the owner or tenant of any provision of this Code pertaining to the premises for which such special permit was granted."

SPECIAL PERMITS

The Subject Property is currently subject to an approved Site Plan as well as a major Revised Exhibit to the Site Plan (S-96-76 and S-11-57, respectively). S-96-76 and S-11-57 set forth required conditions for the subject property.

BACKGROUND/ANALYSIS

The Subject Property has a lengthy code enforcement history which included efforts by

the City to resolve code violations by way of the administrative citation process. A brief summary of the enforcement history is as follows:

S-96-76 (Initial Site Plan): A Notice of Violation was issued in March 2003 after numerous materials were found stacked in the designated parking area. Four administrative citations were issued between May 2003 and July 2003 for failure to comply with the administrative citation.

In November 2003, the City obtained an abatement warrant for the Subject Property due to violations of the Fire Code and Fresno Municipal Code. In December 2003, a City contractor abated the fire hazard. Post abatement inspections in January, February and March 2004 revealed that materials were again being stored in unapproved areas.

In April 2004, the City issued a Notice and Order which required compliance with the Special Permit. The Notice and Order was appealed and upheld by the Administrative Hearing Officer. Four post-hearing inspections between August 2004 and April 2006 revealed that the Property Owners continued to store materials in unapproved areas and in excess of the allowed height.

Six inspections, one requiring a warrant, between July 2006 and November 2009 revealed continued violations of the Special Permit conditions which included debris scattered throughout the Subject Property, debris and materials stacked above the permitted height inside the building, and debris stacked higher than the perimeter fence.

The City issued a second Notice and Order in November 2009 which required compliance with the approved Site Plan. The Property Owners appealed the order in July 2010 and it was upheld by the Administrative Hearing Officer. The Property Owners filed a writ of administrative mandamus.

In July 2011, the City considered the Administrative Officer's finding to be withdrawn in exchange for the Property Owners' withdrawal of the writ. The case was subsequently closed.

APPROVAL OF MAJOR REVISED EXHIBIT TO SITE PLAN

In yet another effort to work with the Property Owners to ensure compliance with the Site Plan, on October 28, 2011, the City approved a Major Revised Exhibit to the existing Site Plan under entitlement number S-11-057. This Revised Exhibit allowed for a reduction in the number of parking spaces and also allowed additional outdoor storage. Outdoor storage was limited to the height of the fence and the height limit for indoor storage remained at six feet in height.

The Major Revised Exhibit to the Site Plan was approved in good faith as an attempt to avoid future code enforcement violations. Essentially, the City agreed to the Property

Owner's legally permissible requests based on what they needed in order to run their business and comply with the FMC.

CURRENT ENFORCEMENT ACTION

Over the last few years, the surrounding business owners have continuously complained about the violations on the Subject Property. Since approving the major Revised Exhibit to the Site Plan, the Property Owners have continued to violate the conditions of approval under the Special Permits. The most recent round of inspections and abatements were initiated after the Fire Department corroborated the neighbors' concerns.

Specifically, on November 2, 2012, Captain Reggie Zellous of the Fresno Fire Department reported that foam rubber and carpet padding were being stored in excess of the allowed height at the Subject Property and that this storage constituted a fire hazard. On November 5, 2012, the case was assigned to Inspector Elisania Harrison. It was reassigned to Inspector Chris Montelongo on September 19, 2013.

An inspection on October 2, 2013 revealed the following violations of the conditions of S-11-57:

1. Landscaping was not being maintained.
2. Materials including scrap metal, foam rubber, and appliances were stored in an unapproved manner.

On October 7, 2013, an inspection revealed the same violations as above. In addition, all entrances to the Subject Property were blocked by various materials/items.

The City issued a Notice and Order on October 26, 2013 requiring compliance with the conditions of S-11-57. The required compliance date was set at November 13, 2013 and no appeal was filed. On November 14, 2013, a follow-up inspection revealed that the violations had not been resolved and the Notice and Order became final.

On November 21, 2013, the City obtained a forced entry inspection and abatement warrant issued by the Honorable Judge Petrucelli. The City attempted to execute the warrant on December 2, 2013, but was unable to complete the abatement portion of the warrant due to unsafe conditions at the Subject Property. The December 2, 2013 inspection confirmed that the Subject Property was not being used in compliance with the Special Permits. The Fire Department confirmed that there were Fire Code violations both inside the building and on the outdoor areas on the Subject Property. Personnel from the Solid Waste Division determined that the items stored on the property were more densely stored than anticipated. Items stored on the property were unstable and they included heavy jagged metal items stored high on top of piles of

miscellaneous materials. Rather than risk injury, the abatement did not go forward until a safer alternative abatement approach could be arranged.

On December 5, 2013, Judge Petrucelli issued a renewed Inspection and Abatement warrant for the Subject Property.

Between December 3 and December 10, 2013, there was no apparent reduction in the materials at the Subject Property. In fact, a City Inspector observed the Property Owner and others bringing more materials onto the Subject Property.

The City moved forward with administrative abatement actions on December 16-18, 2013. City approved contractors removed approximately 2,000 cubic yards of un-baled, un-sorted materials from the Subject Property. The materials were removed to and are currently being stored at a fenced off field area at the City Sewage Treatment Facility on Jensen Avenue, in Fresno.

SUMMARY OF VIOLATIONS ABATED

1. Unapproved materials, un-sorted and non-baled materials including, but not limited to scrap metal, food cans, paper, appliances, and electronic devices which were stored at unapproved heights, and in unapproved areas, as well as in a disorderly manner, were removed.

2. The City addressed some of the unmaintained required landscaping by removing litter and leaves and by cutting back some brush from the south property fence line.

3. The ingress and egress lanes were cleared and re-established.

4. The two parking spaces on the Subject Property, including the handicap parking, which have not been striped as required, were cleared of materials and debris.

CURRENT STATUS OF SUBJECT PROPERTY

The Property Owners have continued to store numerous un-sorted, non-baled materials including, but not limited to, unapproved materials such as old cans of food, broken down wood, flammable liquids, engine parts, and other scrap metal materials. These mixed materials are typically and regularly piled up above the height of the perimeter fence at the Subject Property. These are clear violations of the approved Special Permits.

In addition, the Property Owners have failed to comply with applicable provisions of the Fresno Municipal Code. The Property Owners appear to be using the Subject Property as a scrap metal or junk yard, which are not permitted uses in this zone district (M-1).

(See 12-105.J.1&2, as well as 12-228.3.B.11 (Junk Storage which is first allowed in M-3 with CUP.) Light processing of metals in the M-1 zone district would only be allowed under Director's Classification 161, would require a CUP, and would be limited to certain materials. Further, there is also a 1 acre minimum lot size requirement under Director's Classification No. 161, which cannot be met at this site because the Subject Property is a .52 acre parcel. Finally it appears that the Subject Property is also currently being used in a manner consistent with a Solid Waste Transfer Station, a use which requires a CUP in the M-1 Zone District.

NOTICE OF REVOCATION AND HEARING

Pursuant to Fresno Municipal Code Section 12-405-E, the Director issued a Notice of Revocation to the Property Owners setting forth City's basis for revocation. The Notice was sent on February 27, 2014. Further, the City has served notice of the appeal hearing pursuant to the Fresno Municipal Code. A copy of the Notice of Hearing along with the relevant Proofs of Service is attached.

STAFF RECOMMENDATION

Revoke the Special Permit for the Subject Property

Staff recommends that the Planning Commission revoke S-96-73 and S-11-57 pursuant to Fresno Municipal Code Section 12-405-E for failure to comply with the conditions of approval for the Special Permits. Further, staff recommends that the Planning Commission make a finding that the revocation is for good cause, based upon the information provided herein, including the attachments, documentary and testimonial evidence provided at the hearing on this matter.

Attachments: Procedures for Special Permit Revocation Proceedings
S-96-76 and Conditions of Approval
S-11-57 (Major Revised Exhibit)
March 2003 Notice of Violation
Administrative Citations
November/December 2003 Abatement Warrant, and related documents
April 2004 Notice and Order
June 2006 Inspection Warrant
November 2009 Notice and Order
October 2013 Notice and Order
November/December 2013 Inspection and Abatement Warrant, and related documents
Abatement Invoice
Notice of Revocation February 27, 2014
Notice of Hearing and Proofs of Service
Community Opposition Letters
CD of dated site photographs

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INDEX TO ATTACHMENTS

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PROCEDURES FOR SPECIAL PERMIT REVOCATION PROCEEDINGS

PROCEDURES FOR SPECIAL PERMIT REVOCATION HEARINGS

Special permits include variances for the terms of the zoning ordinances (variances), conditional use permits (CUPs), or site plans. Special permits are property rights held by the permit holder, and once granted, cannot be revoked or changed without certain procedures to ensure that "due process" has been provided to the permit holder.

Due process requires more formality and procedures when the Planning Commission is considering whether to revoke or modify a special permit. Revocation hearings are a quasi-judicial matter, which means that the Planning Commission will act as both the jury and the judge. This will require the Planning Commission to listen and evaluate the evidence, and then make a determination to grant the revocation, grant in modified form or deny the requested revocation of the special permit.

1. Standard for Revocation of a Special Permit

1.1 "Good Cause:" Fresno Municipal Code section 12-405 specifies the revocation of a special permit may only be for "good cause." Good cause includes, but is not limited to, i) the failure to comply with conditions or complete construction as required by 12-405-C; ii) the failure to comply with any conditions contained in the special permit; iii) failure to comply with the general sign provisions of Sections 13-901 through 13-918 and the Outdoor Advertising provisions of the zone district for which the special permit was granted; or iv) the violation by the owner or tenant of any provision of the Fresno Municipal Code pertaining to the premises for which such special permit was granted.

1.2 "Substantial Evidence": The Planning Commission's determination regarding whether good cause exists for the revocation of the special permit must be supported by substantial evidence in the record. Substantial evidence is made up of relevant facts, reasonable assumptions based upon facts and expert opinion based upon facts. It is not the quantity of the evidence but the quality of the evidence that matters. The testimony of a single credible witness is sufficient to constitute substantial evidence. Substantial evidence is <u>not</u> made up of argument, speculation, inaccurate information or unsubstantiated opinion.

2. Overview of Revocation Hearing

2.1 Not a Trial: This is not a trial. The hearing is considerably less formal than a proceeding in court. The technical rules of evidence do not apply to this proceeding. **The Planning Commission may consider any evidence, and any evidence may be admitted before them during the hearing if it is relevant to the matters being considered and if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. This evidence may be considered by the Planning Commission regardless of the existence of any common law rule or statute which might make improper the admission of such evidence over objection in civil actions.** The parties are encouraged to exchange proposed exhibit and witness lists before the proceeding. Copies of all exhibits should be available to the Planning Commission.

2.2 Witnesses Sworn: Anyone who intends to testify must be sworn in. Potential witnesses may be sworn in as a group. The Commission Chair will swear in witnesses en masse at the beginning of the hearing.

- All witnesses who intend to testify will stand and raise their right hands.
- The Commission Chair will administer the following oath "Do you swear or affirm to tell the truth, the whole truth and nothing but the truth?"
- All witnesses must reply in the affirmative such as "yes" or "I do."
- The Commission Chair will ask the sworn witnesses to be seated.

2.3 Examination of Witnesses: Unlike the usual land use matter, both sides will have the opportunity to question and cross-examine witnesses. However, this questioning will be done in a less formal manner than would be done in a court of law, and the technical rules of evidence do not apply. The Commission may impose reasonable time limits on questioning.

2.4 The Commissioners may ask questions of witnesses at any time that they think is appropriate, and the Commission Chair can impose reasonable time limitations on the people that are going to speak to the Commission.

2.5. Public Testimony: After the City and the Permit Holder have presented their cases, there will be an opportunity for the public to offer testimony to the Planning Commission in this matter. Any person who wishes to testify who has not been sworn in must inform the Commission Chair in order to be sworn in. The Planning Commission may insist upon the normal time limits of three minutes for public testimony. The Commission Chair may ask members of the public to select a spokesperson to represent a number of people if they all have the same point of view so as not to repeat things that have already been stated. The remaining persons may come forward to voice their agreement with the spokesperson's statement.

2.6 Court Reporter: There may be a court reporter present who will record all of the testimony verbatim.

- It will be necessary for anyone who is speaking to keep in mind that the court reporter cannot record two people speaking at once. Only one person can speak at a time.
- When speaking, each person must first state their name so the court reporter can record the information. The Commission Chair may stop speakers to ensure they have properly identified themselves.
- Each person should speak clearly and loud enough to be heard by the court reporter.
- The court reporter will need time to record and transcribe what is being said, and from time to time the court reporter may need a moment to either catch up or change the tape in the machine. If the court reporter needs to stop or change the tape, everyone should stop speaking until the process has been completed.

3. **Order Of This Revocation Hearing:**

3.0 Item Called: The item is announced as set forth on the agenda.

3.1 Adopt Procedures For This Hearing: The Planning Commission will adopt procedures for the purposes of the revocation hearing only. The procedures are not meant to be applied to all future hearings before the Planning Commission. The Planning Commission may adopt the procedures set forth in this document, entitled "Procedures For Special Permit Revocation Proceeding" by regular motion. The Planning Commission also has authority to modify or adopt other procedures as authorized by law and which ensure due process for the Permit Holder. An opportunity for public comments on proposed procedures should be provided.

3.2 The Commission Chair or designee will read Section 2 entitled "Overview of Revocation Hearing," which shall also regulate the hearing.

3.3 All the witnesses will be sworn in as a group as set forth in section 2.2.

- All witnesses who intend to testify will be asked to stand and raise their right hands.
- The Commission Chair will administer the following oath, "Do you swear or affirm to tell the truth, the whole truth and nothing but the truth?"
- All witnesses must reply in the affirmative such as "yes" or "I do."
- The Commission Chair will ask the sworn witnesses to be seated.

3.4 The Commission Chair will direct the City to present its case for revocation of the special permit. The City will have a total of 60 minutes for direct examination of all of its witnesses. Questions asked by Planning Commissioners will not be counted against this time limit.

3.4.1 After the City's presentation, the Commission Chair will provide the Permit Holder, or the Permit Holder's attorney, the opportunity to ask questions and cross-examine any of the City's witnesses who have testified. At that time, the Permit Holder or attorney may state any objection to any of the City's evidence. The Permit Holder will have a total of 20 minutes to cross-examine all of the City's witnesses. Questions asked by Planning Commissioners will not be counted against this time limit.

3.4.2 If the Permit Holder has cross-examined any of the City's witnesses, the Commission Chair will provide the City the opportunity to re-examine the City's witnesses as to the issues raised by the Permit Holder, and an opportunity to provide new witnesses limited to the specific issues raised by the Permit Holder. The City will have a total of 10 minutes to re-examine its witnesses. Questions asked by Planning Commissioners will not be counted against this time limit.

3.5 After the City has presented its case, the Commission Chair will provide the Permit Holder, or an attorney on the Permit Holder's behalf, to present the Permit Holder's case through documents and witnesses. The Permit Holder will have a total of 60 minutes for direct examination of all of its witnesses. Questions asked by the Planning Commissioners will not be counted against this time limit.

3.5.1 After the Permit Holder's presentation, the Commission Chair will provide the City the opportunity to question and cross-examine any of the Permit Holder's witnesses who have testified. At that time, the City may state any objection to any of the Permit Holder's evidence. The City will have a total of 20 minutes to cross-examine all of the Permit Holder's witnesses. Questions asked by the Planning Commissioners will not be counted against this time limit.

3.5.2 If the City has cross-examined any of the Permit Holder's witnesses, the Commission Chair will provide the Permit Holder the opportunity to re-examine the Permit Holder's witnesses as to the issues raised by the Permit Holder, and an opportunity to provide new witnesses limited to the specific issues raised by the City. The Permit Holder will have a total of 10 minutes to re-examine its witnesses. Questions asked by the Planning Commissioners will not be counted against this time limit.

3.6 The Commission Chair will then provide an opportunity for the City to summarize its case for the Planning Commission.

3.7 The Commission Chair will then provide an opportunity for the Permit Holder or attorney to summarize its case for the Planning Commission.

3.8 The Commission will then open the hearing to public testimony.

- The Planning Commission may insist upon the normal time limits of three minutes for public testimony.
- Any person who wishes to testify who has not been sworn in must inform the Commission Chair in order to be sworn in.
- Names must be stated for the record and the court reporter.
- The Commission Chair may ask members of the public to select a spokesperson to represent a number of people if they all have the same point of view so as not to repeat things that have already been stated. The remaining persons may come forward to voice their agreement with the spokesperson's statement.

3.9 After the completion of public testimony, both the City and the Permit Holder (or attorney) will have an opportunity to provide concluding comments.

3.10 The Planning Commission closes the public hearing, deliberates and makes a decision.

3.11 The Planning Commission shall approve a motion to either i) grant the revocation; ii) grant in modified form; or iii) deny the requested revocation. As part of the motion, it is recommended the motion direct Counsel to the Planning Commission to draft a proposed decision consistent with the Planning Commission's determination to bring back to for its consideration at the next Planning Commission meeting.

S-96-76 AND CONDITIONS OF APPROVAL

NOT AGRD
Per T.S.

Any utilities requiring relocation shall be the responsibility and at the expense of the developer. Contact city traffic engineer at 498-1636 for information regarding reimbursements relative to relocating electrical facilities. fire hydrants will be relocated by city forces. developer is responsible to notify city water division at 498-1612 to arrange and coordinate work.

Contact solid waste division at 498-1452 for appointment to establish access and improvements required as conditions of providing disposal service.

Notify Fresno City Electrical and Communications Division, 10 working days prior to any traffic signals-construction 498-1484

Open cut is not permitted; all utility connection must be bored.

Repair all damaged and or offgrade off-site concrete improvements as determined by the Construction management Division.

Any survey monuments within the area of construction shall be preserved or reset by a Registered Civil Engineer or a Licensed Land Surveyor.

For street tree wall requirements, in the public right of way area, submit landscape site plan to City of Fresno Parks Dept. and allow four days for review and recommendations. Contact Parks Division at 498-1551 for proper processing.

Any construction on State Highways must conform to both City of Fresno and State Division of Highway Specifications.

Deeds of Easement(s) for required dedication(s) shall be prepared by the owner/developer's engineer and submitted to the City with certification of ownership prior to issuance of building permits.

Lighting where provided to illuminate parking, sales or display areas shall be shielded and so arranged and contained so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works.

All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed. Unless otherwise approved by the city engineer, such areas shall be reconstructed with curb, gutter and sidewalk to match existing adjacent street improvements. This work shall be completed and accepted before a permit of occupancy is issued or the building is occupied. Authority: FMC 11-308.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer or designer to disclose and delineate all facts and information relating to the subject property and the proposed development, including but not limited to the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage and open land use areas on the subject property and all of the preceding which are located on adjoining property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights of way and any actual or potential prescriptive easements or uses on the subject property;
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit. The Zoning Ordinance and Public Works Standards are minimum requirements. The Development Department shall not assume responsibility for any deviations resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

No uses of land, buildings or structures other than those specifically approved pursuant to this site plan shall be permitted.

Landscaping shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety, or as may otherwise be approved by the Development Department.

Landscaping shall be in place before issuance of the certificate of occupancy.

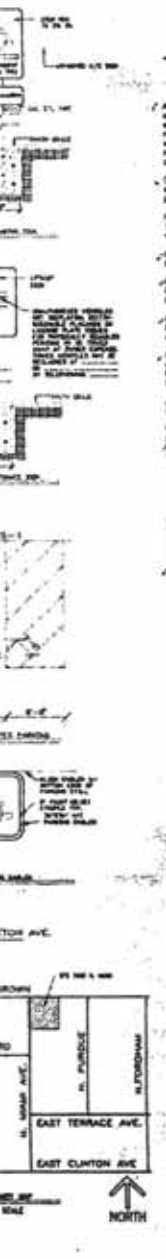
Signs are not approved for installation as part of this special permit. Submit for separate Sign Review.

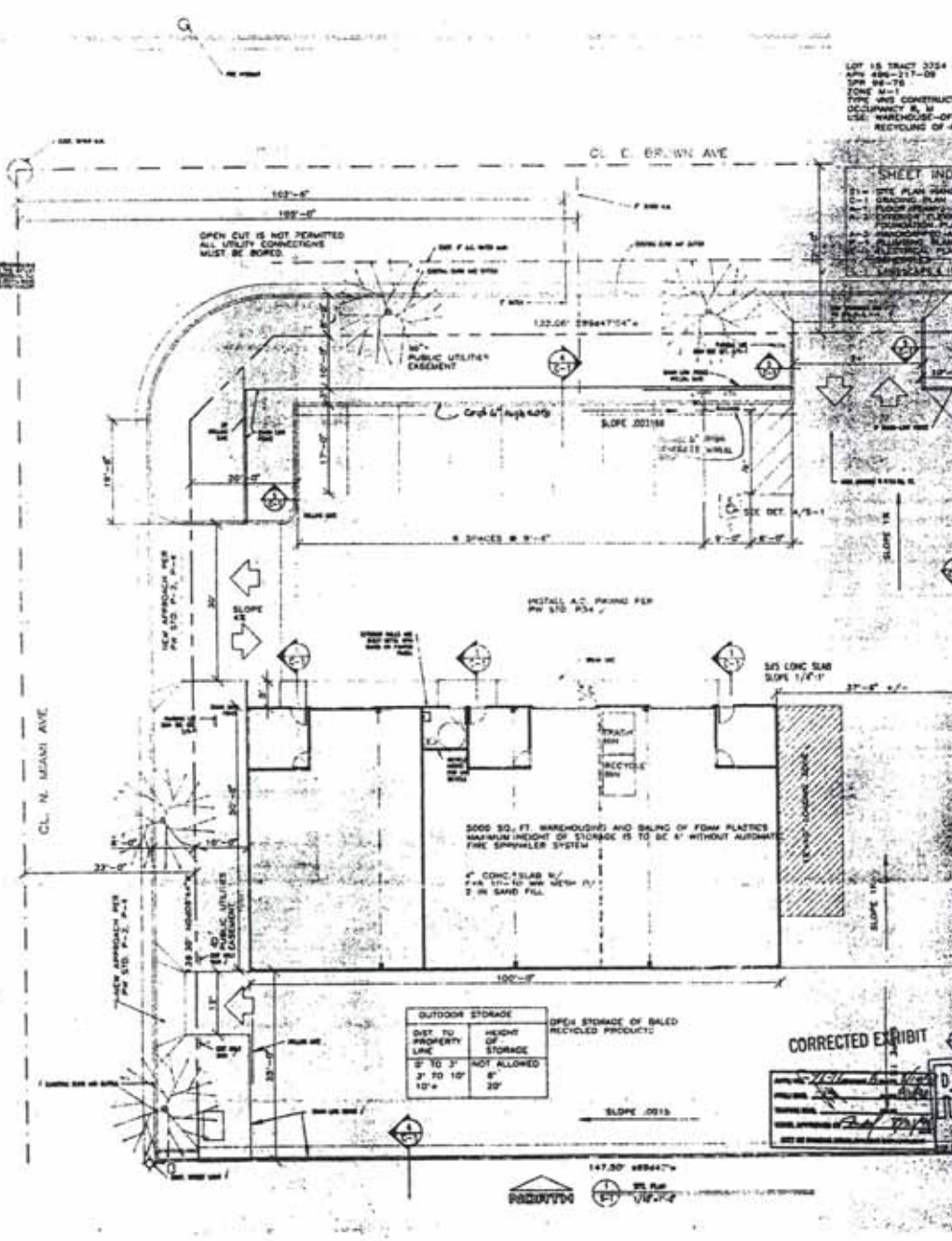
Window signs or limited to 4 square feet in area, providing information about hours of operation and emergency, sale or rental of property information only. Exterior banners announcing special events such as Grand Openings, New Management are permitted for 30 days if approved by the Development Director, attached to the building, and not exceeding 32 square feet in area.

No uses of land, buildings or structures other than those specifically approved pursuant to this site plan shall be permitted.

Prior to final inspection, a written certification, signed by the architect shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the Development Services Division, Development Department.

All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles.





City of
FRESNO

2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(209) 498-1591 FAX (209) 498-1012

Development Department
Alvin P. Solis, AICP
Director

August 5, 1996

Please reply to:
Marion S. Dilbeck
(209) 498-4452

Michael and Vincenza Occhionero
757 Laverne Avenue
Clovis, California 93611

Dear Messrs. Occhionero:

SUBJECT: SITE PLAN REVIEW APPLICATION NO. S-96-76 FOR PROPERTY LOCATED AT 2680 NORTH MIAMI AVENUE

The Development Director on July 31, 1996, approved the above application subject to the conditions listed below.

The Director's approval is also subject to the completion of the notice and appeal period for the Department's finding that the proposed project will not have a significant impact on the environment. A notice of the finding of Negative Declaration was published on August 9, 1996, providing any interested party with an appeal period of 15 days and an additional comment period of 5 days.

The site plan approval will become effective if no appeal is received in response to the notice of negative declaration. If an appeal is filed within 15 days of publication, the finding of negative declaration will be set aside and the matter set for public hearing before the Planning Commission. Building permits will not be issued for this project until the 20 day appeal and comment period has elapsed or, in the event of an appeal, until the Planning Commission has acted on the appeal.

EXPIRATION DATES

The exercise of rights granted by this special permit must be commenced by July 31, 1998 (two years from the date of Director approval). The property owner may request a two (2) year extension of the special permit approval by filing a written application with the Director at least 30 days before the approval expires.

BACKCHECK NOTICE

TO COMPLETE THE BACKCHECK PROCESS FOR BUILDING PERMITS RELATIVE TO PLANNING AND ZONING ISSUES, SUBMIT EIGHT COPIES OF THE CORRECTED SITE PLAN, TOGETHER WITH SIX COPIES OF THE ELEVATION, LANDSCAPE AND IRRIGATION PLANS, AND ANY REQUIRED COVENANTS (OR PREPARATION FEES) AND STUDIES OR ANALYSIS TO THE DEVELOPMENT SERVICES DIVISION FOR FINAL REVIEW AND APPROVAL, TEN DAYS BEFORE APPLYING FOR BUILDING PERMITS.

Copies of the final approved site plan, elevations, landscape and irrigation plans, stamped by the Development Services Division, must be substituted for unstamped copies of the same in each of the four sets of construction plans submitted for plan check prior to the issuance of building permits.

On-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape and irrigation plans are included in the plan check field copy.

CONDITIONS OF APPROVAL

1. Compliance with the Special Permit Conditions of Approval, enclosed;

2. Compliance with the General Conditions, enclosed;

3. Compliance with all corrections and notations shown on the enclosed exhibits. (All conditions, corrections and notations must be transferred to the original site plan--the corrected site plan to be submitted for final review and approval.)

APPEAL

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those that the Department determined through site plan review and environmental assessment to be essential to the mitigation of potential adverse effects to the health, safety and welfare of the community, and recommended conditions for development that are not essential to health, safety and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements are mandatory and may only be modified by variance, provided the findings pursuant to Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing within the appeal period.

In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the appellant believes the decision or action appealed should not be upheld. Appeals must be filed within fifteen (15) days of the date of this letter.

Sincerely,

PLANNING DIVISION

Marion S. Dilbeck

Marion S. Dilbeck, Planner III

Enclosures: General Conditions
Special Permit Conditions, dated July 24, 1996
Exhibits A and B, dated May 24, 1996

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CITY OF FRESNO
DEVELOPMENT DEPARTMENT

SPECIAL PERMIT
CONDITIONS OF APPROVAL

Site Plan Review Application No. S-96-076 July 24, 1996

PART A - PROJECT INFORMATION

1. Assessor's Parcel No. 496-217-09

2. Job Address: 2680 North Miami Avenue

3. Existing Zoning: M-1/cz Zone Map No. 2155

4. Project Description: Proposed 5,000 square foot office/warehouse building

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Development Director on July 31, 1996, approved the special permit application subject to the enclosed list of conditions and Exhibits A and B dated May 24, 1996.

This approval is subject to the completion of the notice and appeal period for the department's finding that the proposed project will not have a significant impact on the environment.

A notice of the finding of negative declaration was published on August 9, 1996, providing any interested party with an appeal period of fifteen days and an additional comment period of five days.

Approval will become effective if no appeal is received in response to the published negative declaration notice. If an appeal is filed in response to the notice, the matter will be set for public hearing before the Planning Commission.

Building permits will not be issued for this project until the twenty-day appeal and comment period has elapsed or, in the event of an appeal, until the Planning Commission has acted on the appeal.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety and welfare of the

community, and recommended conditions for development that are not essential to health, safety and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval are listed in the last section of this list of conditions, under the heading "Part F - Miscellaneous" and may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days.

In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed by August 17, 1996.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer or designer to disclose and delineate all facts and information relating to the subject property and the proposed development, including but not limited to the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property;

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit; the Zoning Ordinance and all Public Works Standards and Specifications. The Development Department shall not assume responsibility for any deletions or omissions resulting from the special

permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

No uses of land, buildings or structures other than those specifically approved pursuant to this site plan shall be permitted. (Include this note on the site plan.)

Transfer all red line notes, etc., shown on all original site plan exhibits (dated May 24, 1996) to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

To complete the backcheck process for building permit relative to planning and zoning issues, submit eight copies of this corrected, final site plan, together with six copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division, Project Evaluation Section for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of same in each of the four sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape and irrigation plans are included in the plan check file copy.

Please call for an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets. Call Stan Dilbeck at 498-4441.

PART C -PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on City records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements, off-street parking geometrics, utility connection charges and Urban Growth Management fees may be directed to the Development Department-Building & Safety Division (Land Division & Engineering Section 498-4451).

STREET DEDICATIONS and ENCROACHMENT PERMITS

1. The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an Encroachment Permit is approved by the Public Works Department-Engineering Services Division (Design Services Section 498-1472). Encroachment Permits must be approved **prior** to issuance of Building Permits.

STREET IMPROVEMENTS

All improvements shall be constructed in accordance with the Standard Specifications of the City of Fresno-Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights of way (including pedestrian and utility easements) requires a Street Work Permit **prior** to commencement of the work. All required street improvements must be completed and accepted by the City **prior** to occupancy.

2. Repair all damaged and/or offgrade off-site concrete improvements as determined by the Public Works Department (Construction Management Division 498-1451).

3. Install street tree wells and irrigation system. Verify locations of required street tree well(s) in the public right-of-way area with the Parks, Recreation and Community Services Department (Parks Division 498-4908); required wells must be shown on the final corrected site plan (Exhibit "A") **prior** to issuance of Building Permits.

WATER and SEWER SERVICE REQUIREMENTS and CONNECTION CHARGES

4. Connection to the City of Fresno water and sewer system is required.

5. Open street cut is not permitted; all utility connections must be bored.

6. A backflow prevention device is required on the water service. Contact Department of Public Utilities (Water Division 498-1406) for requirements relating to approved devices, locations, testing and acceptance.

7. SEWER CONNECTION CHARGES: (FMC Section 9-503a)
The following charges will be due at the time of issuance of Building Permit or Plumbing Permit (whichever is issued first) at the fee rate listed in the Master Fee Schedule at the time of payment. New sewer connection charges adopted by the Council **prior** to issuance of building permits may also apply.

   (a) Major Facilities Sewer Charge (based on acreage, building square footage or living units)

   Wastewater Facilities Sewer Charge (based on acreage, building square footage or living units)

   NOTE, The sewer connection charge obligation for this project will be computed during the building construction plan check process. Any request for estimates prior to this time is subject to payment of a Fee Exaction Charge as listed in the Master Fee Schedule.

8. WATER CONNECTION CHARGES: (FMC Sections 14-107 to 14-110) The following charges will be due at the time of issuance of Building Permit or Plumbing Permit (whichever is issued first) at the fee rate listed in the Master Fee Schedule at the time of payment. New water connection charges adopted by the Council **prior** to issuance of building permits may also apply.

   (a) Service Charges (based on service need)

   (b) Meter Charges (based on service need)

   NOTE: The water connection charge obligation for this project will be computed during the building construction plan check process. Any request for estimates prior to this time is subject to payment of a Fee Exaction Charge as listed in the Master Fee Schedule.

OFF-STREET PARKING FACILITIES & GEOMETRICS

Off-Street parking facilities and geometrics shall conform to the City of Fresno-Public Works Department Parking Manual and Standard Specifications.

9. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance", "Exit", "Right Turn Only", "One Way" signs, etc.) as noted on Exhibit "A".

10. Show method of conveying on-site storm water to street; detail catch basin and drain pipe size which convey storm water to curb face per Public Works Standard No. P-36.

SURVEY MONUMENTS AND PARCEL CONFIGURATION

11. All survey monuments within the area of construction shall be preserved or reset by a Registered Civil Engineer or a Licensed Land Surveyor.

PART D - PLANNING/ZONING REQUIREMENTS

PLANNING

1. Development is subject to the following plans and policies:

   McLane Community Plan
   Light industrial uses

ZONING

2. Development is proposed in accordance with existing M-1/cz zoning.

   Condition of zoning is that the uses on the subject property shall be limited to those uses which generate not more than 1,750 gallons per acre per day sewage, as approved by the Director of Public Works.

BUILDING HEIGHT

3. The maximum allowable building height is fifty (50) feet. The proposal is within the required height.

BUILDING SETBACK, OPEN SPACES and LANDSCAPING

4. No requirements.

FENCES, HEDGES, AND WALLS

Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard which may occur as a result of improper fence installation or damage to the fence.

OFF-STREET PARKING

5. A minimum of one bicycle parking spaces is required per Section 12-306-I-2.1-C of the Fresno Municipal Code. Spaces shall be provided in accordance with Section 12-306-I-5d of the Code. (Depict the spaces on your site plan.)

6. A minimum of two parking spaces is required.

7. Exhibit A, dated May 24, 1996, shows nine parking spaces.

8. Provide one handicapped parking stalls in accordance with the State of California Building Code. All handicapped parking stalls shall be of a width providing at least 14 feet of usable space. Refer to the "Development Requirements for Handicapped Accessibility" of above-mentioned code.

9. All handicapped parking stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. (Include this note on the site plan.)

10. All handicapped parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. (Include this note on the site plan.)

11. Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. (Include this note on the site plan.)

LOADING SPACES

12. Provide a letter indicating whether or not the tenants will be receiving deliveries by trucks or tractor-trailers weighing more than two tons. This letter will be used to determine the required loading spaces, if any. Spaces shall be a minimum of 12 feet by 40 feet. Provide a 14-foot vertical clearance for loading spaces within or under a structure.

ACCESS

13. Vehicular and/or pedestrian access shall be provided.

OUTDOOR ADVERTISING

14. Signs are not approved for installation as part of this special permit. Submit for separate Sign Review. (Contact Public Services for information at 498-1371, Room 3043.) (Include this note on the site plan.)

PART E - CITY AND OTHER SERVICES

FIRE PROTECTION REQUIREMENTS

1. There are no fire service requirements.

2. All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles. (Include this note on the site plan.)

SOLID WASTE COLLECTION

3. Provide a 6-foot solid masonry wall with gates around trash enclosures. The trash enclosure area may not be located in a required setback area. For each bin the enclosure must be a minimum 8 feet X 10 feet (inside dimensions) concrete pad with a 6-foot high concrete block wall. Each bin enclosure shall have 6-inch high wheel stops on the ground 18 inches from the rear wall and 12 inches from the side walls. Gate hinges shall be hung on the outside. The enclosure shall be level with the adjoining roadway (with no ramps, slopes, etc.).

A walled bin enclosure is not required where a rail system is used.

Provide separate areas for recyclable and nonrecyclable materials.

4. No solid waste information was depicted on the site plan. Contact Solid Waste Management Division, Public Works Department at 498-1455, between 8 a.m. and 9 a.m. regarding this issue.(See attached memo)

POLICE PROTECTION REQUIREMENTS

5. None.

HEALTH PROTECTION REQUIREMENTS

6. Comply with the requirements of the County of Fresno Department of Health, dated June 18, 1996. (Contact Fresno County Health Department at 445-3271 for further information.

FLOOD CONTROL REQUIREMENTS

7. Comply with the attached Fresno Metropolitan Flood Control District memorandum, dated June 19, 1996. (Contact Fresno Metropolitan Flood Control District at 456-3292 for further information.

8. A $1,327.00 FMFCD drainage fee must be paid prior to issuance of building permits. FMFCD CM # 6823 / 8/21/96

SCHOOL FEES

9. School fees must be paid prior to issuance of building permits. (Contact Clovis Unified School District.) Provide proof of payment (or no fee required) prior to issuance of building permits.

STREET TREE REQUIREMENTS

10. Contact Parks Division, 498-4908, for street tree requirements.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

11. Comply with attached San Joaquin Valley Air Pollution Control District policies on dust and ozone mitigation.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits (dated May 24, 1996) and the following:

1. Include a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures.

2. The attached PG&E memorandum delineates energy savings available to your project. This is an optional item that is not a condition of approval requirement, therefore no appeal is required.

3. Roof-mounted and detached mechanical equipment for commercial and office uses shall be screened from view and acoustically baffled to prevent the noise level rating for the equipment from exceeding 55 Ldn measured at the nearest property line.

4. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

5. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.

6. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days.

MSD:dlk:K:\common\COA\S96076.COA

S-11-57 (MAJOR REVISED EXHIBIT)

City of
FRESNO

Development & Resource Management Department

2600 Fresno Street Room 3034
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 488-1020

John M. Dugan, AICP
Director

October 28, 2011

Please reply to:
Mike Sanchez
(559) 621-8040

Paul Saito
2904 North Blackstone Avenue #A
Fresno, CA 93703

SUBJECT: SITE PLAN REVIEW APPLICATION NO. S-11-057 A MAJOR REVISED EXHIBIT FOR PROPERTY LOCATED AT 2680 MIAMI AVENUE AUTHORIZING AN INDOOR OUTDOOR STOAGE FACILITY. (APN: 496-217-09)

Dear Applicant:

The Planning and Development Department Director on October 28, 2011, approved the above application subject to the conditions of approval listed below. Site Plan Review Application No. S-11-057 has been reviewed under the provisions of the Zoning Ordinance. This application authorizes the operation of an indoor/outdoor storage facility for polyurethane products for future recycling purposes. The operation will also have limited storage area for other recyclable materials. No other new development or expansion of the floor area was included with this request.

CONDITIONS OF APPROVAL

1. Development shall take place in accordance with Exhibits A, dated October 28, 2011.

2. The exercise of rights granted by this special permit must be commenced by October 28, 2015 (four years from the date of approval). There is no extension.

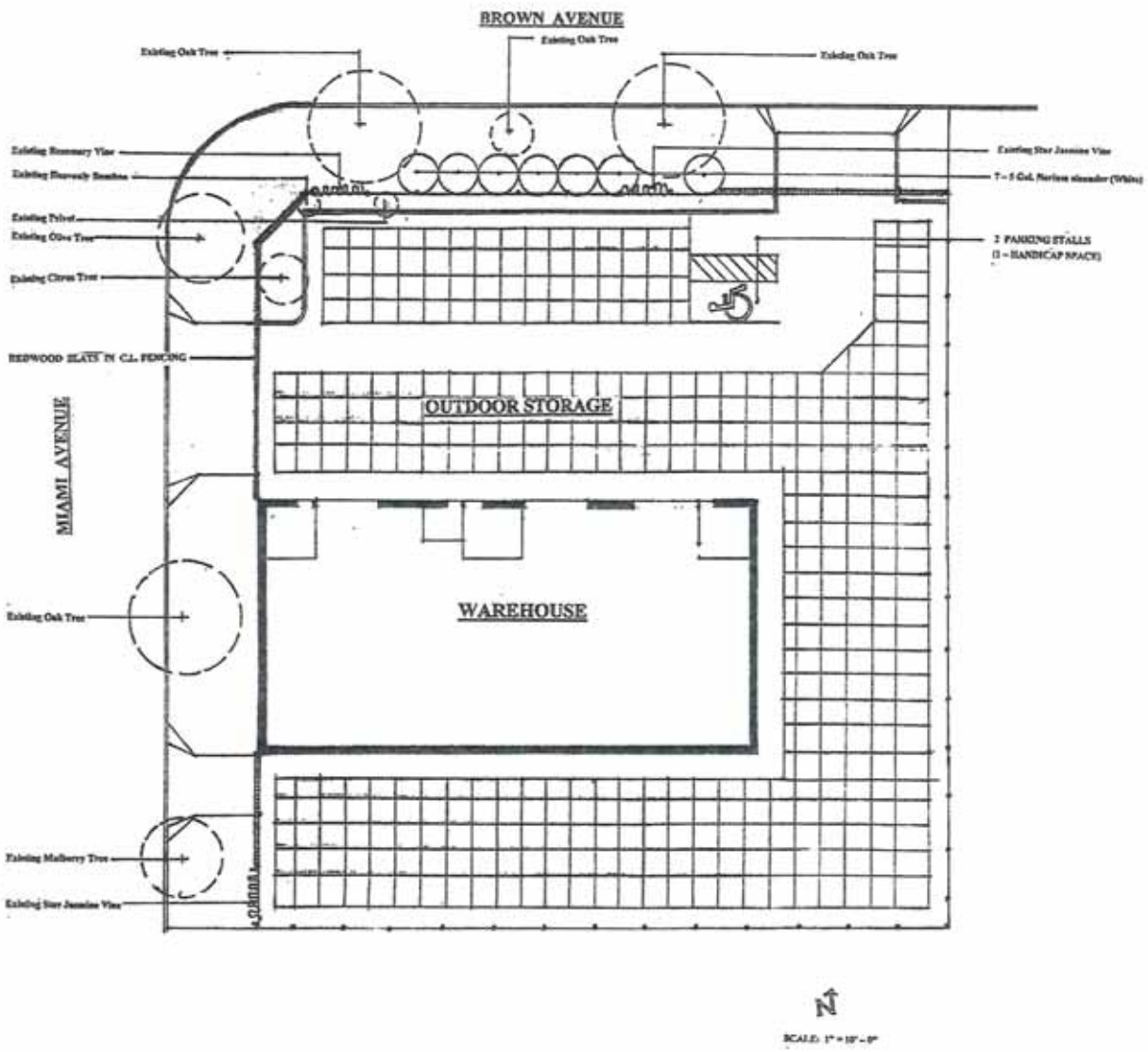
This project is exempt under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines. No further environmental assessment will be needed at this time.

In the event you wish to appeal the Department's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the appellant believes the decision or action appealed should not be upheld. Appeals must be filed by November 11, 2011. If no appeal is filed you may obtain any necessary permits and proceed with the development of the project in accordance with the conditions noted above.

Should you need further assistance or have any questions, please call me at (559) 621-8040 or via e-mail at Mike.Sanchez@fresno.gov.

Sincerely,
PLANNING DIVISION

Mike Sanchez
Planning Manager



ANNUAL FIRE INSPECTION

Matt Marquez

Indoor Storage Requirements:

1. Maintain polyurethane (carpet pads, mattresses, etc) storage at or below 4 feet in height.
2. Maintain a minimum 4 foot center aisle.
3. If separated, other types of items stored may be allowed a much greater storage height than the polyurethane products.
4. Storage shall be orderly.

Exterior Storage Requirements:

1. Maintain a minimum of 5 feet clearance to the building for fire fighter access.
2. Outside storage of combustible materials shall not be located within 10 feet of a property line.
   Exception: *The separation distance is allowed to be reduced 3 feet for storage not exceeding 4 feet in height.*
3. Maximum storage height shall not exceed the height of the fence.

INDOOR STORAGE

5000 Sq. ft. warehouse used for temporary storage, collection and transfer point for sorted and/or baled materials, including but not limited to polyurethane products. Maximum height of indoor storage for polyurethane products is 6 ft. without automatic fire sprinkler system. This is not a recycling facility.

OUTDOOR STORAGE

Distance to Property Line	Height of Storage
0 to 3'	Not Allowed
3' – 10' - 0"	6' - 0"
10' +	20' – 0"

Open storage of sorted and/or baled materials and products.

GENERAL NOTES

Based on a meeting held on June 16, 2011 between Greg Occhionero and the City of Fresno officials in a mutual effort to resolve pending issues regarding alleged code enforcement violations with respect to the property at 2680 North Miami Avenue, Fresno (APN: 496-217-09) the following issues were discussed and agreed upon.

1. Parking Area to be reduced from nine stalls to 2 stalls, one to be designated for the handicapped. There is no need for visitor parking.

2. The entire leased storage area is to be screened from the street with the following mitigations:
   a. All gates shall have slats installed in the chain link fence for the purpose of screening.
   b. Slats shall be installed in the chain link fencing on each side of the chain link gates as shown on the Amended Site Plan for the purpose of screening parts of the storage area.
   c. Where storage material is seen from the street through the open chain link fence, Oleander shrubs shall be planted to screen the storage material from the street and the existing vines on the chain link fence shall remain as a screen.
   d. Outdoor storage will be kept at 6 ft. in height and stored 3 ft. away from the property line and 5 ft. away from the building as required by the Fire Department. If storage is kept 10 ft. away from the property line materials and products can be stacked 20 ft. in height according to the chart on the original Site Plan.

8-8-09 A 5-8-9

LANDSCAPE ARCHITECTS / LIC. NO. 1117
2904 n. blackstone avenue, suite a, fresno, california 93703
Tel: 559-227-6434 Fax: 559-223-0909

AMENDED SITE PLAN
OCCHIONERO STORAGE FACILITY
2680 MIAMI AVENUE
FRESNO, CALIFORNIA

MARCH 2003 NOTICE OF VIOLATION

City of
FRESNO

Department of
Housing, Economic and Community Development

Code Enforcement Division
2600 Fresno Street, Room 3070
Fresno, California 93721-3605
(559) 621-8400 • FAX (559) 498-4856
www.fresno.gov

March 13, 2003

Call or Schedule an Appointment With:
Israel Trejo at (559) 621-8435

Michael and Vincenza Occhionero
757 Laverne Avenue
Clovis, CA 93611

Dear Property Owner:

Subject: **NOTICE OF VIOLATION**
ADDRESS: 2680 North Miami Avenue
APN: 496-217-09

A report to this Department and a recent inspection of your property by staff of the Code Enforcement Division revealed violations of the Fresno Municipal Code. Please be advised that property owners are required to keep their property free of code violations.

Attached, for your information, is a list of the violations and the corrective actions required. We are requesting that all listed violations be corrected and completed within the time noted in the attachment. Staff will reinspect the property to determine if corrections are in progress or have been completed.

Failure to correct the violations within the time frame can result in more formal action, including the issuance of citations, filing of legal action or City initiated action to remove the violation on the property at the owner's expense. Additionally, the Code Enforcement Division may charge a fee for the administrative time used to resolve this matter. These charges would be in addition to any required permits or related fees necessary to correct the violations.

Your cooperation in this matter will be appreciated. If you have any questions, please contact me at the above referenced number.

Sincerely,

Israel Trejo
Code Enforcement Inspector

C: Tenant

IXT:mk

CITY OF FRESNO
CODE ENFORCEMENT DIVISION

INSPECTION CORRECTION NOTICE

REMOVE PUBLIC NUISANCE
REMOVE ZONING VIOLATION(S)

Address: 2680 North Miami Avenue
APN: 496-217-09

Date: March 13, 2003
Case: 03-90002022

REQUIREMENTS PER THE FRESNO MUNICIPAL CODE:
Public Nuisance Municipal Code Sections 9-804 (j):

(j) Violation of Zoning Ordinance Section (listed below)

Zoning Code Sections: 12-411-B; 12-226.5.I.3; 12-306.I.1.a,b:

Consisting of the relinquishment, reduction or alteration of the parking area via storage of used materials.

It will be required that you remove all items from the parking area.

Zoning Code Sections: 12-411-B; 12-408-E.21.y: Recycling center:

Consisting of recycling unapproved materials.

It will be required that you recycle only those materials that are allowed, including: plastic, aluminum, glass and paper.

DEADLINES:

All violations are to be removed by ***March 23, 2003.***

Removal and/or disposal of a public nuisance must be completed in a lawful manner.

Israel Trejo
Code Enforcement Inspector

Ray Villa
Code Enforcement Manager

ADMINISTRATIVE CITATIONS

City of FRESNO

If you wish to talk to the inspector about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

ADMINISTRATIVE CITATION

1. Inspection Date: May 1,2003 Time: 2:39pm **Citation Number** 03-90002022.1

2. Location of violation(s) 2680 N. Miami Ave APN: 496-217-09
(street address or other description as may be necessary to identify)

3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above:

   a. **12-411-B; 12-226.5.I.3; 12-306.I.1.a,b** Describe how the section was violated: Consisting of the relinquishment, reduction or alteration of the parking area via storage of used materials.

4. A fine/penalty of (X) **$100** or $250 or $500 per violation has been imposed. Payment method may be by cash, money order, or check, payable to the ***"City of Fresno,"* Code Enforcement Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3605**. *Please write the citation number on check or money order.*

   PLEASE PAY FROM THIS CITATION WITHIN 30 DAYS. NO INVOICE WILL BE SENT.

   TOTAL AMOUNT DUE: **$ 100.00** PAYMENT DUE BY: **June 6,2003**

5. The following action is necessary on your part to correct the violation(s) of the FMC sections noted in this citation:
   a. It will be required that you remove all items from the parking area. Violations are to be removed immediately.

6. COLLECTIONS: It is important to remember that failure to correct the above-stated violations may result in subsequent administrative citations with increased penalties for the same violation(s); and/or further legal action. **PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-601 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. For your convenience, inspectors have office hours. Please call the number below to make an appointment to see one. Inspectors are out in the field each day and may not be available if you come in without an appointment.**

7. APPEAL: *You have the right to contest this citation by filing an appeal within eighteen (18) days from the date this citation was mailed (noted below). You may file the appeal with the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721.*

Certified Article Number
7160 3901 9844 3894 4253
SENDERS RECORD

Recipient
Michael & Vincenza Occhionero

Recipient's Address
757 Laverne Ave
Clovis, CA 93611

Certified Mail Receipt

Inspector
Israel Trejo

Inspector's Phone Number
(559) 621-8435

5-7-03

Inspector's Signature

I, the above-signed Code inspector, certify under penalty of perjury that I caused this citation to be mailed to the above named recipient at the recipient's address on (date): **May 7,2003**

IXT/fbg
Revised 10/14/99

c: Tenant

City of FRESNO

If you wish to talk to the inspector about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

ADMINISTRATIVE CITATION

1. Inspection Date: May 20, 2003 Time: 3:00pm **Citation Number 03-90002022.2**

2. Location of violation(s) 2680 N. Miami Ave APN: 496-217-09
(street address or other description as may be necessary to identify)

3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above:

   a. **12-411-B; 12-226.5.I.3; 12-306.I.1.a,b** Describe how the section was violated: Consisting of the relinquishment, reduction or alteration of the parking area via storage of used materials.

4. A fine/penalty of (X) **$250** per violation has been imposed. Payment method may be by cash, money order, or check, payable to the ***"City of Fresno,"* Code Enforcement Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3605.** *Please write the citation number on check or money order.*

   PLEASE PAY FROM THIS CITATION WITHIN 30 DAYS. NO INVOICE WILL BE SENT.

   TOTAL AMOUNT DUE: **$ 250.00** PAYMENT DUE BY: **June 23, 2003**

5. The following action is necessary on your part to correct the violation(s) of the FMC sections noted in this citation:
   a. It will be required that you remove all items from the parking area. Violations are to be removed immediately.

6. COLLECTIONS: It is important to remember that failure to correct the above-stated violations may result in subsequent administrative citations with increased penalties for the same violation(s); and/or further legal action. **PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-601 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. For your convenience, inspectors have office hours. Please call the number below to make an appointment to see one. Inspectors are out in the field each day and may not be available if you come in without an appointment.**

7. APPEAL: *You have the right to contest this citation by filing an appeal within eighteen (18) days from the date this citation was mailed (noted below). You may file the appeal with the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721.*

Recipient
Michael & Vincenza Occhionero

Recipient's Address
757 Laverne Ave
Clovis, CA 93611

Certified Article Number
7160 3901 9844 3894 0651
SENDERS RECORD
Certified Mail Receipt

Inspector
Israel Trejo

Inspector's Phone Number
(559) 621-8435

5-23-03

Inspector's Signature

I, the above-signed Code inspector, certify under penalty of perjury that I caused this citation to be mailed to the above named recipient at the recipient's address on (date): **May 23, 2003**

IXT/lxo
Revised 10/14/99

c: Tenant

City of
FRESNO

If you wish to talk to the inspector about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

ADMINISTRATIVE CITATION

1. Inspection Date: June 10, 2003 Time: 2:07pm **Citation Number 03-90002022.3**
2. Location of violation(s) 2680 N. Miami Ave APN: 496-217-09
   (street address or other description as may be necessary to identify)
3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above:
   a. **12-411-B; 12-226.5.I.3; 12-306.I.1.a,b** Describe how the section was violated: Consisting of the relinquishment, reduction or alteration of the parking area via storage of used materials.

4. A fine/penalty of **(X) $500** per violation has been imposed. Payment method may be by cash, money order, or check, payable to the ***"City of Fresno,"* Code Enforcement Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3605**. *Please write the citation number on check or money order.*

   PLEASE PAY FROM THIS CITATION WITHIN 30 DAYS. NO INVOICE WILL BE SENT.

   TOTAL AMOUNT DUE: **$ 500.00** PAYMENT DUE BY: **July 12, 2003**

5. The following action is necessary on your part to correct the violation(s) of the FMC sections noted in this citation:
   a. It will be required that you remove all items from the parking area. Violations are to be removed immediately.

6. COLLECTIONS: It is important to remember that failure to correct the above-stated violations may result in subsequent administrative citations with increased penalties for the same violation(s); and/or further legal action. **PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-601 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. For your convenience, inspectors have office hours. Please call the number below to make an appointment to see one. Inspectors are out in the field each day and may not be available if you come in without an appointment.**

7. APPEAL: *You have the right to contest this citation by filing an appeal within eighteen (18) days from the date this citation was mailed (noted below). You may file the appeal with the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721.*

Recipient
Michael & Vincenza Occhionero

Recipient's Address
757 Laverne Ave
Clovis, CA 93611

Certified Article Number
7160 3901 9844 3894 1481
SENDERS RECORD
Certified Mail Receipt

Inspector
Israel Trejo

Inspector's Phone Number
(559) 621-8435

6-12-03

Inspector's Signature

I, the above-signed Code inspector, certify under penalty of perjury that I caused this citation to be mailed to the above named recipient at the recipient's address on (date): **June 12, 2003**

IXT/lxo
Revised 10/14/99

c: Tenant

City of
FRESNO

If you wish to talk to the inspector about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

ADMINISTRATIVE CITATION

1. Inspection Date: June 26, 2003 Time: 1:44pm **Citation Number** 03-90002022.4

2. Location of violation(s) 2680 N. Miami Ave APN: 496-217-09
(street address or other description as may be necessary to identify)

3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above:

   a. **12-411-B; 12-226.5.I.3; 12-306.I.1.a,b** Describe how the section was violated: Consisting of the relinquishment, reduction or alteration of the parking area via storage of used materials.

4. A fine/penalty of (X) **$500** per violation has been imposed. Payment method may be by cash, money order, or check, payable to the ***"City of Fresno,"*** **Code Enforcement Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3605.** *Please write the citation number on check or money order.*

   PLEASE PAY FROM THIS CITATION WITHIN 30 DAYS. NO INVOICE WILL BE SENT.

   TOTAL AMOUNT DUE: **$ 500.00** PAYMENT DUE BY: **August 1, 2003**

5. The following action is necessary on your part to correct the violation(s) of the FMC sections noted in this citation:
   a. It will be required that you remove all items from the parking area. Violations are to be removed immediately.

6. COLLECTIONS: It is important to remember that failure to correct the above-stated violations may result in subsequent administrative citations with increased penalties for the same violation(s); and/or further legal action. **PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-601 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. For your convenience, inspectors have office hours. Please call the number below to make an appointment to see one. Inspectors are out in the field each day and may not be available if you come in without an appointment.**

7. APPEAL: *You have the right to contest this citation by filing an appeal within eighteen (18) days from the date this citation was mailed (noted below). You may file the appeal with the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721.*

Recipient
Michael & Vincenza Occhionero

Recipient's Address
757 Laverne Ave
Clovis, CA 93611

Certified Article Number
7160 3901 9844 3894 1924
SENDERS RECORD
Certified Mail Receipt

Inspector
Israel Trejo

Inspector's Phone Number
(559) 621-8435

7-1-03

Inspector's Signature

I, the above-signed Code inspector, certify under penalty of perjury that I caused this citation to be mailed to the above named recipient at the recipient's address on (date): **July 1, 2003**

IXT/lxo
Revised 10/14/99

c: Tenant

NOVEMBER/DECEMBER 2003 ABATEMENT WARRANT, AND RELATED DOCUMENTS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

STATE OF CALIFORNIA COUNTY OF FRESNO	Case No. _____ INSPECTION AND ABATEMENT WARRANT FOR 2680 N. MIAMI AVENUE, FRESNO, CALIFORNIA

To the People of the State of California, to any Code Enforcement Officer of the City of Fresno, to any Fire Inspector of the Fire Department of the City of Fresno and to any contractor hired by the City of Fresno:

UPON GOOD CAUSE SHOWN TO THE COURT by declaration of Israel Trejo, Planner of the Code Enforcement Division of the City of Fresno, and Fire Inspector Richard Fultz, Fire Inspector of the Fire Department of the City of Fresno;

THAT THERE EXISTS VIOLATIONS OF:

1. Fresno Municipal Code (FMC) Section 12-411;
2. FMC Section 12-226.5.I.3;
3. FMC Section 12-306.I.1.a & b;
4. FMC Section 4-111.A & B;
5. California Fire Code (CFC) Sections 8101.4.2.2, 8101.4.1.6 and 209-H, ;
6. CFC Sections 8102.10.1, 8102.10.2.3 and 8101.6.3;
7. CFC Section 1103.3.3.5.1.

AT THE PREMISES LOCATED ON 2680 N. Miami Avenue, in the City of Fresno, State of California ("Subject Property"), County of Fresno Assessor's Parcel Number 496-217-09;

/// RW

YOU ARE HEREBY COMMANDED AND AUTHORIZED TO enter and (1) conduct an inspection of the **interior** and **exterior** of the premises including the **interior of any structures** on the Subject Property and (2) **summarily abate** any public nuisance on the Subject Property under the authority of Sections 9-804 and 9-805 of the Fresno Municipal Code;

THE INSPECTION AND ABATEMENT SHALL be conducted pursuant to Code of Civil Procedure section 1822.56 in a reasonable manner for the purpose of ensuring compliance with all applicable laws. Notice that the warrant has been issued must be given at least twenty-four (24) hours before warrant is executed. The abatement may be done between the hours of 8:00 a.m. and 6:00 p.m. of any day. The property owner and/or legal tenant shall be present at the time of execution of the warrant. The warrant will be effective from the date hereof for a period not to exceed fourteen (14) days.

Given under my hand this 26th day of November, 2003.

Judge of the Superior Court

Return: Inspection and abatement of the public nuisances on the premises located at 2680 N. Miami Avenue, Fresno, California, was conducted by the City of Fresno on December ___, 2003.

City of Fresno
Planning and Development Department
Code Enforcement Division

Israel Trejo
Planner II

City of Fresno Fire Department

Richard Fultz
Fire Inspector II

DLB:ns [29033ns/dlb] - 11/26/03

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

STATE OF CALIFORNIA	)	Case No. _____
	)	
COUNTY OF FRESNO	)	EXTENSION OF INSPECTION AND ABATEMENT WARRANT FOR 2680 N. MIAMI AVENUE, FRESNO, CALIFORNIA
_____	)	

To the People of the State of California, to any Code Enforcement Officer of the City of Fresno, to any Fire Inspector of the Fire Department of the City of Fresno and to any contractor hired by the City of Fresno:

UPON GOOD CAUSE SHOWN TO THE COURT by the Supplemental Declaration of Israel Trejo, Planner of the Code Enforcement Division of the City of Fresno, that an extension of time for completion of the inspection and abatement warrant signed on November 26, 2003, ("Warrant") is necessary to fully abate the hazardous condition and public nuisance at 2680 N. Miami Avenue, in the City of Fresno, State of California ("Subject Property"), County of Fresno Assessor's Parcel Number 496-217-09, and that such extension is in the public interest;

THE WARRANT IS HEREBY EXTENDED, pursuant to California Code of Civil Procedure Section 1822.55, by an additional three (3) days beyond the original fourteen (14) days authorized in the Warrant, with the execution of the Warrant to be completed by 5:00 p.m. on Friday, December 12, 2003.

Given under my hand this 9 day of December, 2003.

_____
Judge of the Superior Court

DLB:ns [29146ns/dlb] - 12/9/03

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

STATE OF CALIFORNIA	)	Case No. _____
	)	
	)	DECLARATION IN SUPPORT OF INSPECTION AND ABATEMENT WARRANT FOR 2680 N. MIAMI AVENUE, FRESNO, CALIFORNIA
COUNTY OF FRESNO	)	
_____	)	

I, ISRAEL TREJO, declare:

1. I have personal knowledge of the facts set forth herein and could and would testify competently thereto if called upon by a court of law.

2. I am a Planner II, employed by the City of Fresno in the Code Enforcement Division. I have been employed with the Code Enforcement Division for (2) years and (10) months as a Code Enforcement Inspector.

3. I am familiar with the property at 2680 N. Miami Avenue, Fresno, California, Fresno County Assessor's parcel number 496-217-09 ("Subject Property").

4. I made a check of the current County Assessor's Records which are available via the "FrontCounter" computer database service. The City of Fresno is a licensed subscriber to this service. The current owners of record for the Subject Property are Michael and Vincenza Occhionero ("Property Owners").

///

5. The Subject Property is a recycling and storage facility located in an "M1" Light Manufacturing District. The Property Owners are currently required to operate and maintain the Subject Property in a manner consistent with the parameters and

CITY ATTORNEY
CITY HALL
FRESNO CA 93721

conditions set forth in their approved Site Plan. A Site Plan is a Special Permit within the meaning of Fresno Municipal Code (FMC) Section 12-405(A)(3). (A copy of the Site Plan and FMC Section 12-405(A)(3) are attached hereto as Exhibit A.)

6. On February 21, 2003, I inspected the Subject Property and observed various materials located throughout the property including vehicle parts, scrap metal, carpet pads, cardboard and foam for beds. Viewed from the street, I noticed that materials were stored in a building on Subject Property, and that the materials were stacked to the ceiling. The items observed at the Subject Property were stored inconsistently with the requirements and limitations of the Site Plan in that:

A. The Site Plan limits outside baled storage on the Subject Property to specific areas which exclude the designated parking area as well as the loading zone area. On February 21, I observed materials stored in the designated parking area and the loading zone area.

B. Where outside storage is permitted, the Site Plan prohibits storage within 3 feet of the property line. From 3 to 10 feet of the property line, storage is limited to 6 feet in height. Over 10 feet from the property line, storage height is limited to 20 feet. Additionally, all outside storage must be baled. Inside storage is limited to a maximum of 6 feet in height without an automated fire sprinkler system. On February 21, I observed baled and non-baled materials stored within the prohibited set back areas. Additionally, I observed materials stacked inside the building in excess of the 6 foot height limitation. I have been informed by Fire Inspector Richard Fultz of the City of Fresno Fire Department (FFD) that the building on the Subject Property does not have a sprinkler system.

7. The violations noted in Paragraph 6 are also violations of FMC Sections 12-226.5.I.3 and 12-306.I.1.a & b. (Attached as Exhibit B).

8. The violations I observed, including the violations of the Site Plan, constitute a public nuisance within the meaning of FMC Section 12-411.A and B. (Attached as Exhibit C).

9. On March 13, 2003, I sent a Notice of Violation to the Property Owners, Michael and Vincenza Occhionero. A copy of the Notice of Violation was also sent to the tenant at the Subject Property. The Notice of Violation required the removal of all items from the parking area and to recycle only those materials allowed, including plastic, aluminum, glass and paper. (A copy of the Notice of Violation is attached as Exhibit D.)

10. On May 1, 2003, I re-inspected the Subject Property and found that the same violations that existed on February 21, 2003 were still present, specifically that various materials throughout the property, including cardboard, scrap wood, foam for furniture, carpet padding and scrap metal were stored in prohibited areas. Inside of the building, materials were still stacked to the ceiling, in violation of the 6 foot height limitation. A $100 citation was sent to the property owners on May 7, 2003, for the relinquishment, reduction or alteration of the parking area via storage of used materials. (A copy of the Citation is attached hereto as Exhibit E.)

12. On May 20, 2003, I re-inspected the Subject Property and found the same violations that existed on February 21 and May 1, 2003 were still present. A $250 citation was sent to the property owners on May 23, 2003. (A copy of the Citation is attached as Exhibit F.)

13. On June 10, 2003, I re-inspected the Subject Property and found that the same violations that existed on February 21, May 1 and May 20, 2003 were still present. A $500 citation was sent to the property owners on June 12, 2003. (A copy of the Citation is attached hereto as Exhibit G.)

14. On June 26, 2003 I re-inspected the property and found the same condition. I spoke to a person who I believe to be Greg Occhionero, the son of the Property Owners, at the Subject Property who said the property owner had a stroke. This person would not identify himself. I attempted to explain what he needed to be done to correct the violations on the Subject Property. This person would not listen and he said he had filed a report with City of Fresno's Risk Management Department and

would not remove items from the parking area or inside the building because Risk Management has not gotten back to him. A $500 citation was sent to the property owners on July 1, 2003. (A copy of the Citation is attached as Exhibit H.)

15. On October 9, 2003, I re-inspected the property and found the violations that existed on February 21, May 1, May 20, June10 and June 26, 2003 were still present on Subject Property, including items stacked to the ceiling of the building on Subject Property. The Property Owner Michael Occhionero stated he has been removing some materials from the building, but he would not allow an inspection of inside the building.

16. On November 5, 2003, I re-inspected the Subject Property and found the violations from February 21, May 1, May 20, June 10, June 26 and October 9 2003 were still present on Subject Property, including items stacked to the ceiling of the building on Subject Property. I spoke to the Property Owner Michael Occhionero and he said he has been cleaning the property, including the inside of the building. He said he has cleaned about thirty feet on the inside of the building; he would not allow an inspection of inside the building.

17. On November 25, 2003 myself and Fire Inspector Richard Fultz of the FFD went to the Subject Property. Both myself and Inspector Fultz spoke with a person I believe to be Greg Occhionero. We asked Greg Occhionero for consent to inspect the Subject Property in regards to the observed and suspected violations. Greg Occhionero refused to grant us that consent.

18. On November 26, 2003 I was served with an Amended Civil Complaint for Declaratory Relief and for Subsequent Equitable Relief of Plaintiffs Michael Occhionero and Greg Occhionero, by the person I believe to be Greg Occhionero, in Fresno County Superior Court case # 03 CE CG 02623. The complaint lists Greg Occhionero and Michael Occhionero as Plaintiffs. The complaint lists the City of Fresno and several of its departments and officers, including me personally, as defendants. I know of no court order issued in the action. (A copy of the first sheet of the pleading is attached as

Exhibit I.)

19. I have taken numerous photographs of the Subject Property. Attached as Exhibit J are copies of the photographs of the Subject Property, each indicating the date upon which the photograph was taken.

20. At no time during my inspections of Subject Property have I been allowed to enter the building on Subject Property to conduct a full inspection of the violations therein, specifically the storage of materials inside the building in violation of the 6 foot height limitation. Additionally, I believe that the building on the Subject Property may contain unauthorized materials.

21. An inspection and abatement warrant is necessary because the Property Owners have refused to correct the violations on Subject Property, including storage of baled and non-baled materials in prohibited areas, as well as storage of materials in the building on Subject Property in violation of the 6 foot height limitation.

22. I have been informed by Inspector Richard Fultz of the FFD that the current condition of the Subject Property poses a threat to the public's health and safety due to the type and amount of materials stored on the Subject Property, as well as due to the manner in which the materials are stored. These are further grounds justifying abatement in this matter.

I declare under penalty of perjury, under the laws of the State of California, that the forgoing is true and correct, and that this declaration was executed on the 26th day of December, 2003 at Fresno, California.

Israel Trejo, Planner II

DLB:ns [29030ns/dlb] - 11/26/03

Exhibit A

NOT REQD Per T.S.

Any utilities requiring relocation shall be the responsibility and at the expense of the developer. Contact city traffic engineer at 488-1438 for information regarding reimbursements relative to relocating electrical facilities; fire hydrants will be relocated by city forces, developer is responsible to notify city water division at 488-1412 to arrange and coordinate work.

Contact solid waste division at 488-1452 for appointment to establish access and improvements required as conditions of providing disposal service.

Notify Fresno City Electrical and Communications Division, 10 working days prior to any private concrete construction, 488-1484.

Open cut is not permitted; all utility connection must be bored.

Repair all damaged and or upgrade off-site concrete improvements as determined by the Construction Management Division.

Any survey monuments within the area of construction shall be preserved or reset by a Registered Civil Engineer or a Licensed Land Surveyor.

For street tree wall requirements, in the public right of way area, submit landscape site plan to City of Fresno Parks Dept. and show four days for review and recommendations. Contact Parks Division at 488-1551 for proper processing.

Any construction on State highways must conform to both City of Fresno and State Division of Highway Specifications.

Deeds of Easement(s) for required dedication(s) shall be prepared by the owner/developer's engineer and submitted to the City with certification of ownership prior to issuance of building permits.

Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works.

All existing driveway approaches which no longer provide access to approved vehicle parking areas shall be removed. Unless otherwise approved by the city engineer, such areas shall be reconstructed with curb, gutter and sidewalk to match existing adjacent street improvements. This work shall be completed and accepted before a permit of occupancy is issued or the building is occupied. Authority: FMC 11-208.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer or designer to disclose and delineate all facts and information relating to the subject property and the proposed development, including but not limited to the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage and open land use areas on the subject property and all of the preceding which are located on adjoining property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights of way and any actual or potential prescriptive easements or uses on the subject property;
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance and of Public Works Standards and Specifications. The Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

No uses of land, buildings or structures other than those specifically approved pursuant to this site plan shall be permitted.

Landscaping shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall spread of the tree, except as necessary for the health of the tree and public safety, or as may otherwise be approved by the Development Department.

Landscaping shall be in place before issuance of the certificate of occupancy.

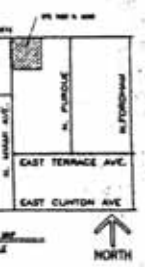
Signs are not approved for installation as part of this special permit. Submit for separate Sign Review.

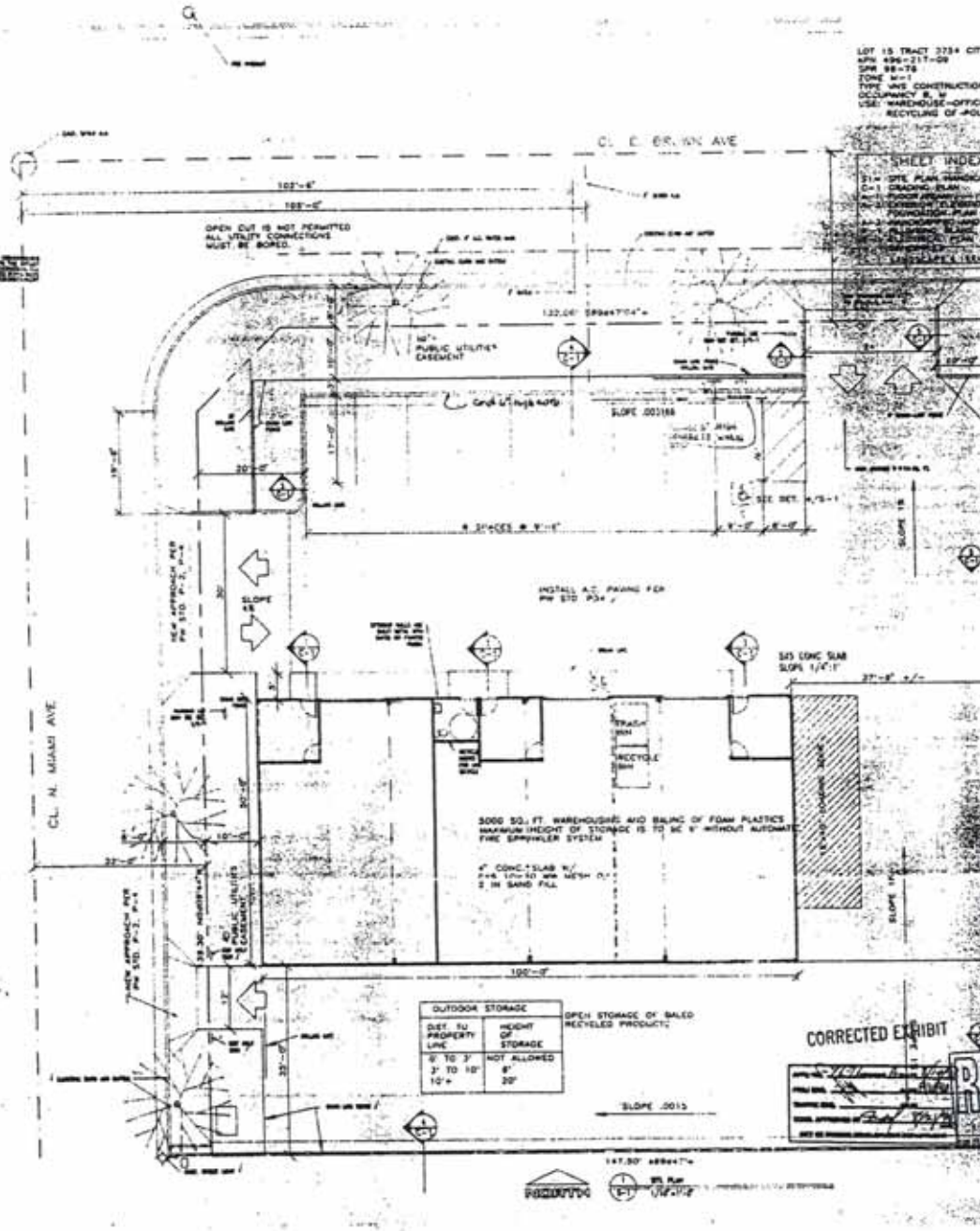
Window signs or limited to 4 square feet in area, providing information about hours of operation and emergency, sale or rental of property information only. Exterior banners announcing special events such as Grand Openings, New Management are permitted for 30 days if approved by the Development Director, attached to the building and not exceeding 32 square feet in area.

No uses of land, buildings or structures other than those specifically approved pursuant to this site plan shall be permitted.

Prior to final inspection, a written certification, signed by the architect shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the Development Services Division, Development Department.

All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles.





SECTION 12-405. SPECIAL PERMITS; GENERAL. This section shall govern the issuance of special permits.

A. FINDINGS. No special permit shall be issued unless it is found that the privilege exercised under the permit, as it may be conditioned, conforms to following findings and grounds of issuance:

1. **Variance.** A variance from the terms of this Zoning Ordinance shall be granted only when it is found that:

a. Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical zoning district; and,

b. The grant of variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated; and,

c. The grant of variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located; and,

d. The grant of variance will not be in conflict with established general and specific plans and policies of the city.

e. The grant of a variance from existing development standards will encourage infill development within designated inner city areas as defined by 12-105-I.

2. **Conditional Use Permit.** A Conditional Use Permit shall be granted only when it is found that:

a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls, and fences, parking, loading, recycling areas, landscaping, and other required features; and,

b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,

c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-30 of this Code.

3. **Site Plan.** A site plan shall be approved only when it is found that:

a. All applicable provisions of this Code are complied with and, in addition, that the following are so arranged that traffic congestion is avoided,

pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect:

(1) Facilities and improvements.

(2) Vehicular ingress, egress, and internal circulation.

(3) Setbacks.

(4) Height of buildings.

(5) Location of services.

(6) Walls.

(7) Landscaping.

(8) Lighting.

(9) Signs.

(10) Recycling areas.

b. All special conditions required by the city as a condition in a covenant, agreement, or special permit are met.

B. CONDITIONS.

1. The issuance of any special permit may be subject to such conditions as may be deemed to be appropriate or necessary to assure compliance with the intent and purpose of this Zoning Ordinance and established general and specific plans and policies of the city or to protect the public health, safety, or welfare.

2. The owners of the land may be required to execute a covenant running with the land, in a form approved by the City Attorney, which shall contain the conditions imposed and it shall be recorded in the Office of the County Recorder. The Director shall issue releases from such covenants when they are no longer applicable to a property.

3. Dedication and improvement of public streets shall be required as a condition of the exercise of a special permit, upon the same basis as provided by Section 11-208 and related sections in Article 2 of Chapter 11 of this Code. Appeals relating to the requirements of said Article 2, shall be made and heard as therein provided.

4. No special permit, other than a variance, may allow any deviation from the provisions of this Zoning Ordinance or any other regulation, unless expressly so provided for by such ordinance or regulation.

5. A Conditional Use Permit or Site Plan for a residential development shall provide, to the extent feasible, for passive and natural heating or cooling opportunities and for other measures that conserve nonrenewable energy resources in accordance with the provisions of Subsection 12-1011(1).

6. No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of this Code have been met and street tree fees paid pursuant to the Master Fee Schedule.

7. As a condition of approval of a Conditional Use Permit or Site Plan, piping of

canals of a capacity which can be accommodated by a pipeline having an inside diameter of fifty-four inches or less and installation of trash racks shall be required, as provided in Section 9-1105 and 12-306-O of this Code.

8. No building permit shall be issued for any development for which a special permit has been issued until the requirement for a Transportation Management Plan, as provided in Section 12-306-N-44, has been met.

9. No building permit shall be issued for any development for which a special permit has been issued until the requirement for recycling areas, as provided in Section 12-306-N-50, have been met.

C. EXERCISE OF RIGHTS. The exercise of rights granted by a special permit shall be subject to the following provisions:

1. Commencement. The exercise of rights granted by such special permit shall be commenced within four (4) years after the date of the final action letter issued for the permit.

2. Completion. All conditions imposed by the decision granting the special permit shall be diligently complied with, and all construction authorized shall be diligently pursued to completion.

3. Extension. The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of such tentative tract map pursuant to Section 12-1005.1 of this Code.

D. TERMINATION OF RIGHTS. A special permit, and all rights granted therein, shall be considered terminated when either of the following occur:

1. Failure to commence the exercise of rights as required by Section 12-405-C.

2. Whenever the rights granted by a conditional use permit are discontinued for a continuous period of one year.

E. REVOCATION OF RIGHTS. The Director may revoke the rights granted by such special permit and the property affected thereby shall be subject to all of the provisions and regulations of this Zoning Ordinance applicable as of the effective date of revocation. Such revocation shall be for good cause including, but not limited to, the failure to comply with conditions or complete construction as required by subsection C, the failure to comply with any condition contained in the special permit, failure to comply with the general sign provisions of Sections 13-901 through 13-918 and the Outdoor Advertising provisions of the zone district for which the special permit was granted, or the violation by the owner or tenant of any provision of this Code pertaining to the premises for which such special permit was granted.

1. **Notice.** The Director shall give notice, pursuant to Section 1-212, of the revocation together with his reasons therefor, to the occupant of such premises, to the owner of such premises, to any person indicated in the permit as being entitled to exercise the permit, and post the notice conspicuously on such premises. The Director shall set forth in such notice the effective date of such revocation which shall be not less than thirty days after the giving and posting of such notice.

2. **Extension.** At any time before the effective date of revocation, the Director, for good cause shown, may extend or further extend, such effective date.

3. **Appeal.** The provisions of Sections 12-406-E, F, G, H and I shall apply.

4. **Compliance.** Revocation shall not become effective, if before its effective date, the Director, or on appeal, the Commission, shall find that the reasons for revocation no longer exist and that the public will not suffer by such action.

F. MAPPING. The Director shall maintain a map or maps, which may be the Official Zone Map, indicating properties subject to special permits. Such indication shall show the file number of such special permit.

G. PERMIT. No permit required by this Code, including but not limited to building, occupancy, electrical and sign permits, shall be issued for a use or development requiring a special permit until such special permit is obtained. No such permit shall be issued until the Director is assured that all terms and conditions of any applicable special permit and this Zoning Ordinance shall be complied with.

H. JUDICIAL REVIEW. A decision final pursuant to Section 12-406-E (Director decision) shall be final for all purposes. A decision final pursuant to Section 12-406-H (Commission decision) shall be final for all purposes unless a court review thereof is sought within thirty days after such decision becomes final. (Rep. and Added Ord. 68-57, 1968; Am. Ord. 82-91, § 1, eff. 10-1-82; Am. Ord. 82-105, § 4, eff. 10-29-82; Am. Ord. 84-54, § 7, eff. 4-24-84; Am. Ord. 86-95, § 1, eff. 7-4-86; Am. Ord. 86-119, § 4, eff. 8-18-86; Am. Ord. 90-74, § 21, eff. 8-24-90; Am. Ord. 91-125, § 41, 12-20-91; Am. Ord. 93-68, § 2, eff. 12-3-93; Am. Ord. 94-53, §§ 4--6, eff. 8-26-94; Am. Ord. 94-111, § 2, eff. 1-6-95; Am. Ord. 99-56, §§ 3--5, eff. 10-14-99).

Exhibit B

SECTION 12-226.5. PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land and structures in the "M-1" District:

I. OFF-STREET PARKING

3. The provisions of the General Conditions, Section 12-306-I, shall apply.

SECTION 12-306. PROPERTY DEVELOPMENT STANDARDS. The following property development standards and special standards of practice and regulations shall apply to all land, buildings, uses and structures in all districts.

I. OFF-STREET PARKING

1. **All Districts.** The following standards for providing off-street parking shall apply at the time of the erection of any main building or when off-street parking is established. These standards shall also be complied with when an existing building is altered or enlarged by the addition of dwelling units or guest rooms or where the use is intensified by the addition of floor space, seating capacity, seats or change to a use requiring greater parking.

a. Off-street automobile and bicycle parking space being maintained in connection with any existing main building or structures shall be maintained as long as said main building or structure remains, unless an equivalent substitute number of such spaces are provided and thereafter maintained conforming to the requirements of this paragraph; provided, however, that this regulation shall not require the maintenance of more automobile and bicycle parking apace than is required herein for a new building or structure identical to said existing building or structure, nor the maintenance of such space for any type of main building or structure other than those specified herein.

b. No parking area or parking space which is provided for the purpose of complying with the provisions of this Zoning Ordinance shall hereafter be relinquished, reduced or altered in any manner below the requirement established herein, unless equivalent facilities are provided elsewhere, the location of which is approved by the Commission.

Exhibit C

SECTION 12-411.....LEGAL PROCEDURES. This section is in addition to other provisions of this Code and city ordinances relating to the legal status of conditions and activities in the city.

A. VIOLATION OF CONDITION. If any portion of a privilege authorized by the issuance of a special permit is utilized, all terms and conditions attached thereto shall immediately become effective and must be strictly complied with. The violation of any such term or condition shall constitute a nuisance and violation of this Zoning Ordinance and shall be subject to the same penalties as any other violation of this Code.

B. VIOLATION A NUISANCE. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the Fresno Municipal Code, and any use of land, building or premises established, conducted or operated or maintained contrary to the provisions of this Zoning Ordinance shall be and the same is hereby declared to be unlawful and a public nuisance; and the matter may be abated or corrected by court process, by action of city forces or by the filing of a criminal action for violation of this Code; said remedies to be cumulative.

Exhibit D

City of
FRESNO

Department of
Housing, Economic and Community Development

Code Enforcement Division
2600 Fresno Street, Room 3070
Fresno, California 93721-3605
(559) 621-8400 • FAX (559) 498-4856
www.fresno.gov

March 13, 2003

Call or Schedule an Appointment With:
Israel Trejo at (559) 621-8435

Michael and Vincenza Occhionero
757 Laverne Avenue
Clovis, CA 93611

Dear Property Owner:

Subject: **NOTICE OF VIOLATION**
ADDRESS: 2680 North Miami Avenue
APN: 496-217-09

A report to this Department and a recent inspection of your property by staff of the Code Enforcement Division revealed violations of the Fresno Municipal Code. Please be advised that property owners are required to keep their property free of code violations.

Attached, for your information, is a list of the violations and the corrective actions required. We are requesting that all listed violations be corrected and completed within the time noted in the attachment. Staff will reinspect the property to determine if corrections are in progress or have been completed.

Failure to correct the violations within the time frame can result in more formal action, including the issuance of citations, filing of legal action or City initiated action to remove the violation on the property at the owner's expense. Additionally, the Code Enforcement Division may charge a fee for the administrative time used to resolve this matter. These charges would be in addition to any required permits or related fees necessary to correct the violations.

Your cooperation in this matter will be appreciated. If you have any questions, please contact me at the above referenced number.

Sincerely,

Israel Trejo
Code Enforcement Inspector

C: Tenant

IXT:mk

CITY OF FRESNO
CODE ENFORCEMENT DIVISION

INSPECTION CORRECTION NOTICE

REMOVE PUBLIC NUISANCE
REMOVE ZONING VIOLATION(S)

Address: 2680 North Miami Avenue
APN: 496-217-09

Date: March 13, 2003
Case: 03-90002022

REQUIREMENTS PER THE FRESNO MUNICIPAL CODE:
Public Nuisance Municipal Code Sections 9-804 (j):

(j) Violation of Zoning Ordinance Section (listed below)

Zoning Code Sections: 12-411-B; 12-226.5.I.3; 12-306.I.1.a,b:

Consisting of the relinquishment, reduction or alteration of the parking area via storage of used materials.

It will be required that you remove all items from the parking area.

Zoning Code Sections: 12-411-B; 12-408-E.21.y: Recycling center:

Consisting of recycling unapproved materials.

It will be required that you recycle only those materials that are allowed, including: plastic, aluminum, glass and paper.

DEADLINES:

All violations are to be removed by ***March 23, 2003.***

Removal and/or disposal of a public nuisance must be completed in a lawful manner.

Israel Trejo

Ray Villa
Code Enforcement Manager

Exhibit E

City of
FRESNO

If you wish to talk to the inspector about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

ADMINISTRATIVE CITATION

1. Inspection Date: May 1,2003 Time: 2:39pm **Citation Number** 03-90002022.1

2. Location of violation(s) 2680 N. Miami Ave APN: 496-217-09
(street address or other description as may be necessary to identify)

3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above:

   a. 12-411-B; 12-226.5.I.3; 12-306.I.1.a,b Describe how the section was violated: Consisting of the relinquishment, reduction or alteration of the parking area via storage of used materials.

4. A fine/penalty of (X) **$100** or $250 or $500 per violation has been imposed. Payment method may be by cash, money order, or check, payable to the ***"City of Fresno,"* Code Enforcement Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3605.** *Please write the citation number on check or money order.*

   PLEASE PAY FROM THIS CITATION WITHIN 30 DAYS. NO INVOICE WILL BE SENT.

   TOTAL AMOUNT DUE: **$** 100.00 PAYMENT DUE BY: June 6,2003

5. The following action is necessary on your part to correct the violation(s) of the FMC sections noted in this citation:
   a. It will be required that you remove all items from the parking area. Violations are to be removed immediately.

6. COLLECTIONS: It is important to remember that failure to correct the above-stated violations may result in subsequent administrative citations with increased penalties for the same violation(s); and/or further legal action. **PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-601 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. For your convenience, inspectors have office hours. Please call the number below to make an appointment to see one. Inspectors are out in the field each day and may not be available if you come in without an appointment.**

7. APPEAL: *You have the right to contest this citation by filing an appeal within eighteen (18) days from the date this citation was mailed (noted below). You may file the appeal with the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721.*

Certified Article Number
7160 3901 9844 3894 4253
SENDERS RECORD

Recipient
Michael & Vincenza Occhionero

Recipient's Address
757 Laverne Ave
Clovis, CA 93611

Certified Mail Receipt

Inspector
Israel Trejo

Inspector's Phone Number
(559) 621-8435

5-7-03

Inspector's Signature

I, the above-signed Code Inspector, certify under penalty of perjury that I caused this citation to be mailed to the above named recipient at the recipient's address on (date): May 7,2003

IXT/fbg
Revised 10/14/00

Exhibit F

City of FRESNO

If you wish to talk to the inspector about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

ADMINISTRATIVE CITATION

1. Inspection Date: May 20, 2003 Time: 3:00pm **Citation Number** 03-90002022.2

2. Location of violation(s) 2680 N. Miami Ave APN: 496-217-09
(street address or other description as may be necessary to identify)

3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above:

   a. 12-411-B; 12-226.5.I.3; 12-306.I.1.a,b Describe how the section was violated: Consisting of tl relinquishment, reduction or alteration of the parking area via storage of used materials.

4. A fine/penalty of (X) **$250** per violation has been imposed. Payment method may be by cash, money order or check, payable to the ***"City of Fresno,"* Code Enforcement Division, 2600 Fresno Street, Room 3076 Fresno, CA 93721-3605.** *Please write the citation number on check or money order.*

   PLEASE PAY FROM THIS CITATION WITHIN 30 DAYS. NO INVOICE WILL BE SENT.

   TOTAL AMOUNT DUE: **$** 250.00 PAYMENT DUE BY: June 23, 2003

5. The following action is necessary on your part to correct the violation(s) of the FMC sections noted in this citation:
   a. It will be required that you remove all items from the parking area. Violations are to be removed immediately.

6. COLLECTIONS: It is important to remember that failure to correct the above-stated violations may result in subsequent administrative citations with increased penalties for the same violation(s); and/or further legal action. **PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-601 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. For your convenience, inspectors have office hours. Please call the number below to make an appointment to see one. Inspectors are out in the field each day and may not be available if you come in without an appointment.**

7. APPEAL: *You have the right to contest this citation by filing an appeal within eighteen (18) days from the da this citation was mailed (noted below). You may file the appeal with the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721.*

Certified Article Numb
7160 3901 9844 3894 06
SENDERS RECORD
Certified Mail Recei

Recipient	Recipient's Address
Michael & Vincenza Occhionero	757 Laverne Ave Clovis, CA 93611
Inspector	**Inspector's Phone Number**
Israel Trejo	(559) 621-8435

5-23-03

Inspector's Signature

I, the above-signed Code Inspector, certify under penalty of perjury that I caused this citation to b mailed to the above named recipient at the recipient's address on (date): **May 23, 2003**

IXT/lxo
Revised 10/14/99

Exhibit G

City of
FRESNO

If you wish to talk to the inspector about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

ADMINISTRATIVE CITATION

1. Inspection Date: June 10, 2003 Time: 2:07pm **Citation Number** 03-90002022.3

2. Location of violation(s) 2680 N. Miami Ave APN: 496-217-09
(street address or other description as may be necessary to identify)

3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above:

   a. 12-411-B; 12-226.5.I.3; 12-306.I.1.a,b Describe how the section was violated: Consisting of th relinquishment, reduction or alteration of the parking area via storage of used materials.

4. A fine/penalty of (X) **$500** per violation has been imposed. Payment method may be by cash, money order, or check, payable to the ***"City of Fresno,"* Code Enforcement Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3605.** *Please write the citation number on check or money order.*

   PLEASE PAY FROM THIS CITATION WITHIN 30 DAYS. NO INVOICE WILL BE SENT.

   TOTAL AMOUNT DUE: $ 500.00 PAYMENT DUE BY: July 12, 2003

5. The following action is necessary on your part to correct the violation(s) of the FMC sections noted in this citation:
   a. It will be required that you remove all items from the parking area. Violations are to be removed immediately.

6. COLLECTIONS: It is important to remember that failure to correct the above-stated violations may result in subsequent administrative citations with increased penalties for the same violation(s); and/or further legal action. **PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-601 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. For your convenience, inspectors have office hours. Please call the number below to make an appointment to see one. Inspectors are out in the field each day and may not be available if you come in without an appointment.**

7. APPEAL: *You have the right to contest this citation by filing an appeal within eighteen (18) days from the da this citation was mailed (noted below). You may file the appeal with the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721.*

Certified Article Number
7160 3901 9844 3894 1481
SENDERS RECORD
Certified Mail Rece

Recipient
Michael & Vincenza Occhionero

Recipient's Address
757 Laverne Ave
Clovis, CA 93611

Inspector
Israel Trejo

Inspector's Phone Number
(559) 621-8435

6-12-03
Inspector's Signature

I, the above-signed Code inspector, certify under penalty of perjury that I caused this citation to i mailed to the above named recipient at the recipient's address on (date): **June 12, 2003**

IXT/lxo
Revised 10/14/99

c: Tenant

Exhibit H

City of
FRESNO

If you wish to talk to the inspector about this citation, it is important that you call to schedule an appointment. Inspectors are in the field each day and may not be available if you come in without an appointment.

ADMINISTRATIVE CITATION

1. Inspection Date: June 26, 2003 Time: 1:44pm **Citation Number** 03-90002022.4

2. Location of violation(s) 2680 N. Miami Ave APN: 496-217-09
(street address or other description as may be necessary to identify)

3. The following Fresno Municipal Code (FMC) Sections were violated at the date and time noted above:

   a. 12-411-B; 12-226.5.I.3; 12-306.I.1.a,b Describe how the section was violated: Consisting of th relinquishment, reduction or alteration of the parking area via storage of used materials.

4. A fine/penalty of (X) $500 per violation has been imposed. Payment method may be by cash, money order, or check, payable to the ***"City of Fresno,"*** **Code Enforcement Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3605.** *Please write the citation number on check or money order.*

   PLEASE PAY FROM THIS CITATION WITHIN 30 DAYS. NO INVOICE WILL BE SENT.

   TOTAL AMOUNT DUE: $ 500.00 PAYMENT DUE BY: August 1, 2003

5. The following action is necessary on your part to correct the violation(s) of the FMC sections noted in this citation:
   a. It will be required that you remove all items from the parking area. Violations are to be removed immediately.

6. COLLECTIONS: It is important to remember that failure to correct the above-stated violations may result in subsequent administrative citations with increased penalties for the same violation(s); and/or further legal action. **PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) property assessment; and/or (4) legal action. (FMC 1-601 et seq.) Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. For your convenience, inspectors have office hours. Please call the number below to make an appointment to see one. Inspectors are out in the field each day and may not be available if you come in without an appointment.**

7. APPEAL: *You have the right to contest this citation by filing an appeal within eighteen (18) days from the dat this citation was mailed (noted below). You may file the appeal with the Office of the City Manager, City of Fresno, 2600 Fresno Street, Room 2064, Fresno, CA 93721.*

Recipient
Michael & Vincenza Occhionero

Recipient's Address
757 Laverne Ave
Clovis, CA 93611

Certified Article Number
7160 3901 9844 3894 1924
SENDERS RECORD
Certified Mail Receip

Inspector
Israel Trejo

Inspector's Phone Number
(559) 621-8435

7-1-03

Inspector's Signature

I, the above-signed Code inspector, certify under penalty of perjury that I caused this citation to be mailed to the above named recipient at the recipient's address on (date): **July 1, 2003**

IXT/lxo
Revised 10/14/99

c: Tenant

Exhibit I

Greg Occhionero,
Michael Occhionero,
C/O: 2680 N. Miami,
FRESNO,CALIFORNIA,
[93721].

PLAINTIFFS' IN PERSON IN CASE#: 03-CECG 02623.

FILED
NOV 26 2003
FRESNO COUNTY SUPERIOR COURT
By _____ C.A. - DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

Greg Occhionero, Michael Occhionero, PLAINTIFFS, -VS- CITY OF FRESNO CALIFORNIA, MAYOR Alan Autry;MUNICIPAL AUDITING SERVICES LLC .,Kevin Weigant,in his capacity with MUNICIPAL AUDITING SERVICES; L.P. MOLINA TAX REVENUE SUPERVISOR FOR THE CITY OF FRESNO;RANDY S.CITY OF FRESNO UTILITIES BILLING & COLLECTION DIVISION;L.F. CORRALES,REVENUE SUPERVISOR FOR CITY OF FRESNO; STEVE COLE,MUNICIPAL AUDITING SERVICES INC.EMPLOYEE;JOHN M. HARLAN JR. BUSINESS TAX SERVICE REPRESENTATIVE FOR CITY OF FRESNO UTILITIES,BILLING & COLLECTION DIVISION;ISRAEL TREJO,CITY OF FRESNO CODE ENFORCEMENT OFFICER; RICK FULTZ, CITY OF FRESNO FIRE DEPARTMENT CODE ENFORCEMENT OFFICER;GEORGE VALDES,CITY OF FRESNO STANDARD SPECIALIST INVESTIGATOR; DEFENDANTS.	CASE#: 03-CECG-02623 VERIFIED AMENDED CIVIL COMPLAINT FOR DECLARATORY RELIEF AND FOR SUBSEQUENT EQUITABLE RELIEF OF PLAINTIFFS Michael Occhionero and Greg Occhionero.

///

Exhibit J

2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
2680 N MIAMI AVE

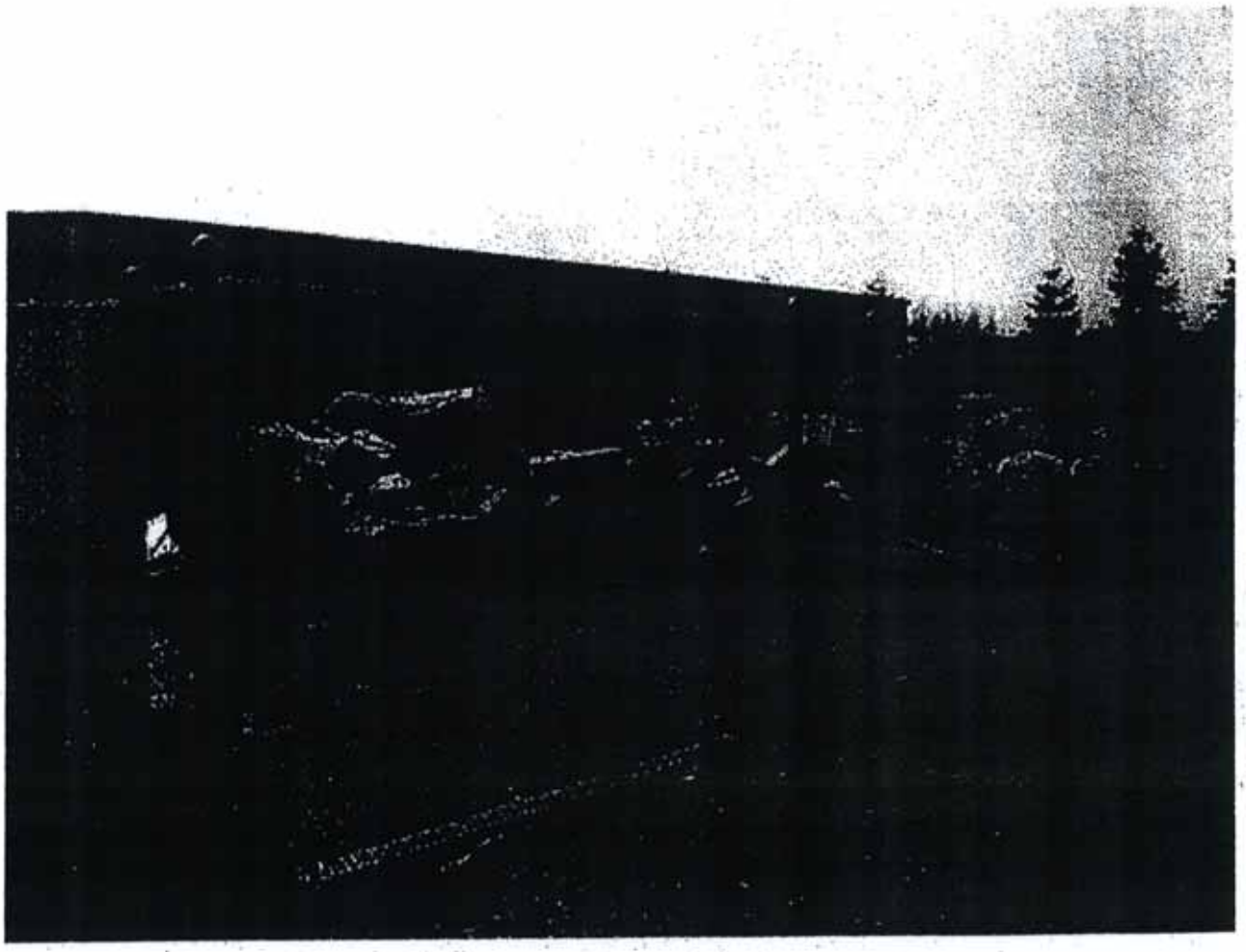
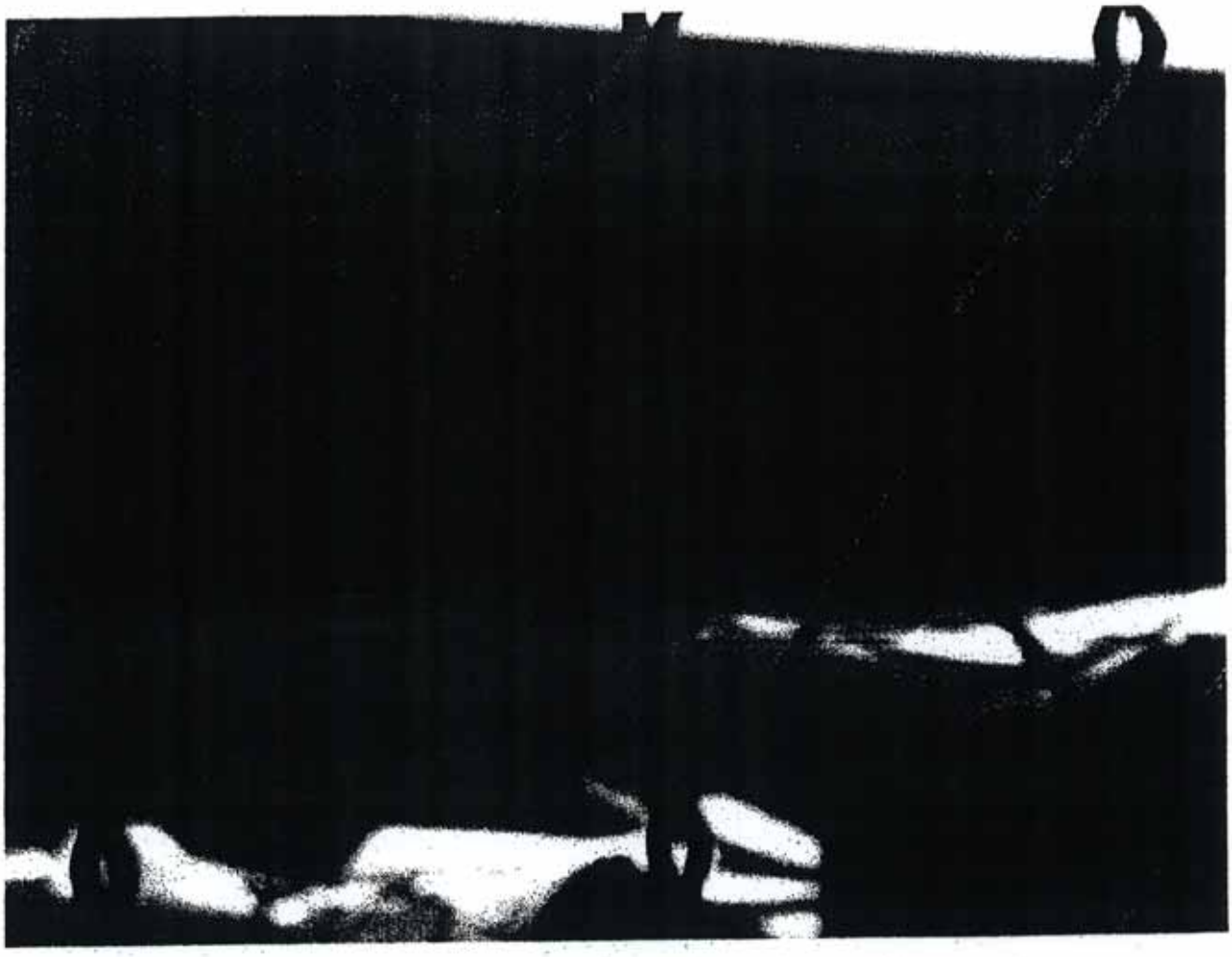


Image Date: 2/21/2003
Description: 2680 N MIAMI AVE

2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
2680 N MIAMI AVE



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[redacted] [redacted]

2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
2680 N MIAMI AVE

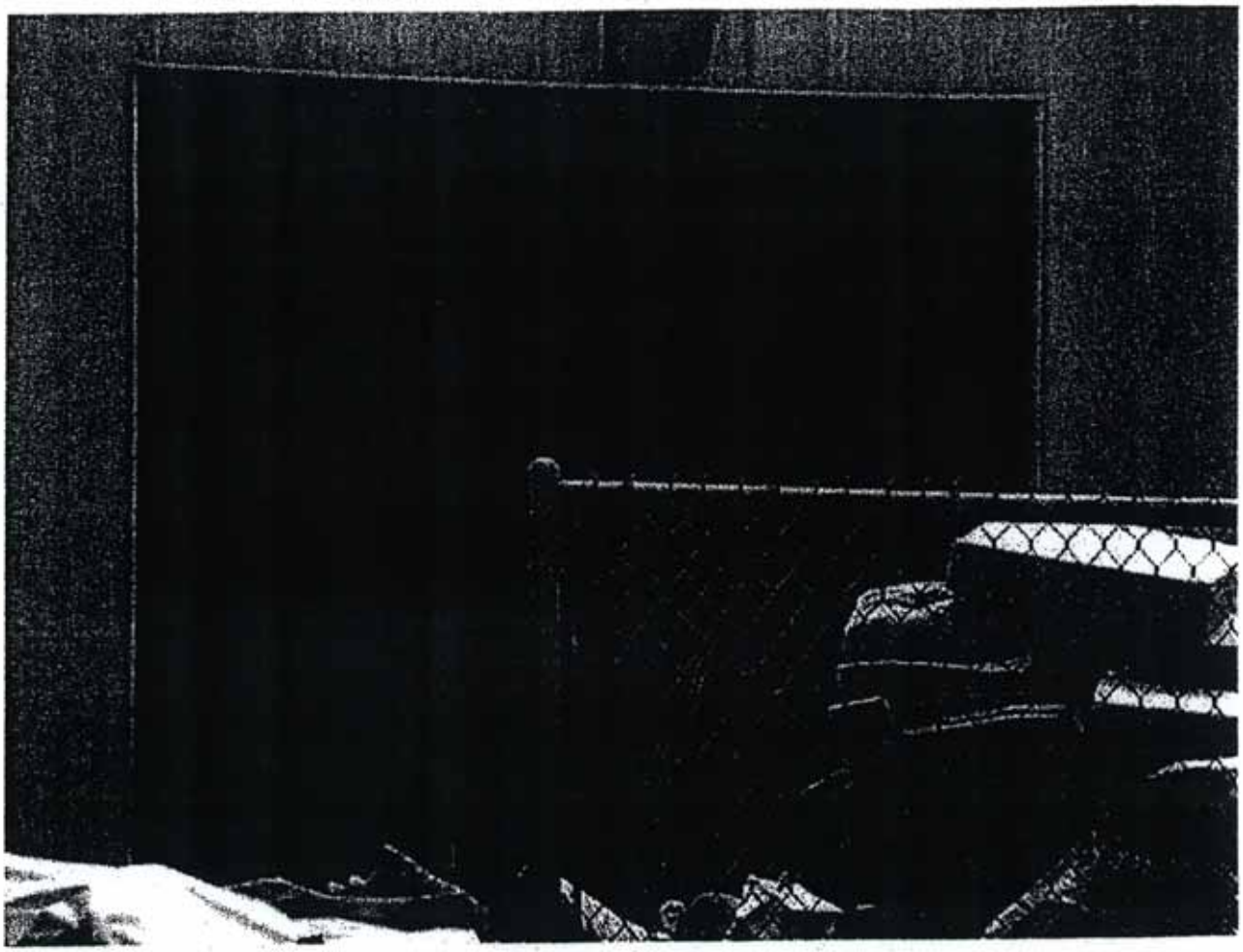

Image Date: 5/1/2003
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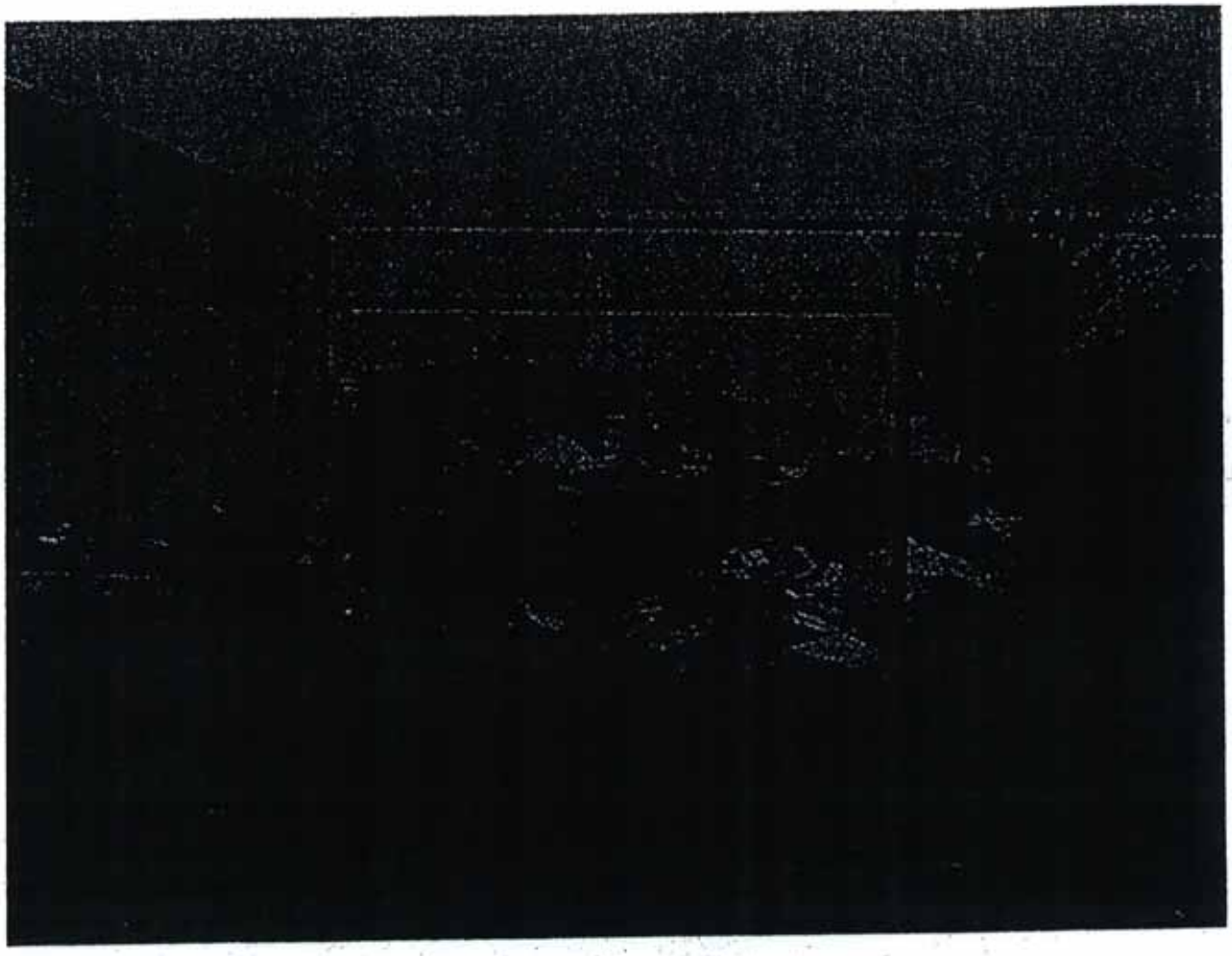
2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
2680 N MIAMI AVE



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2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
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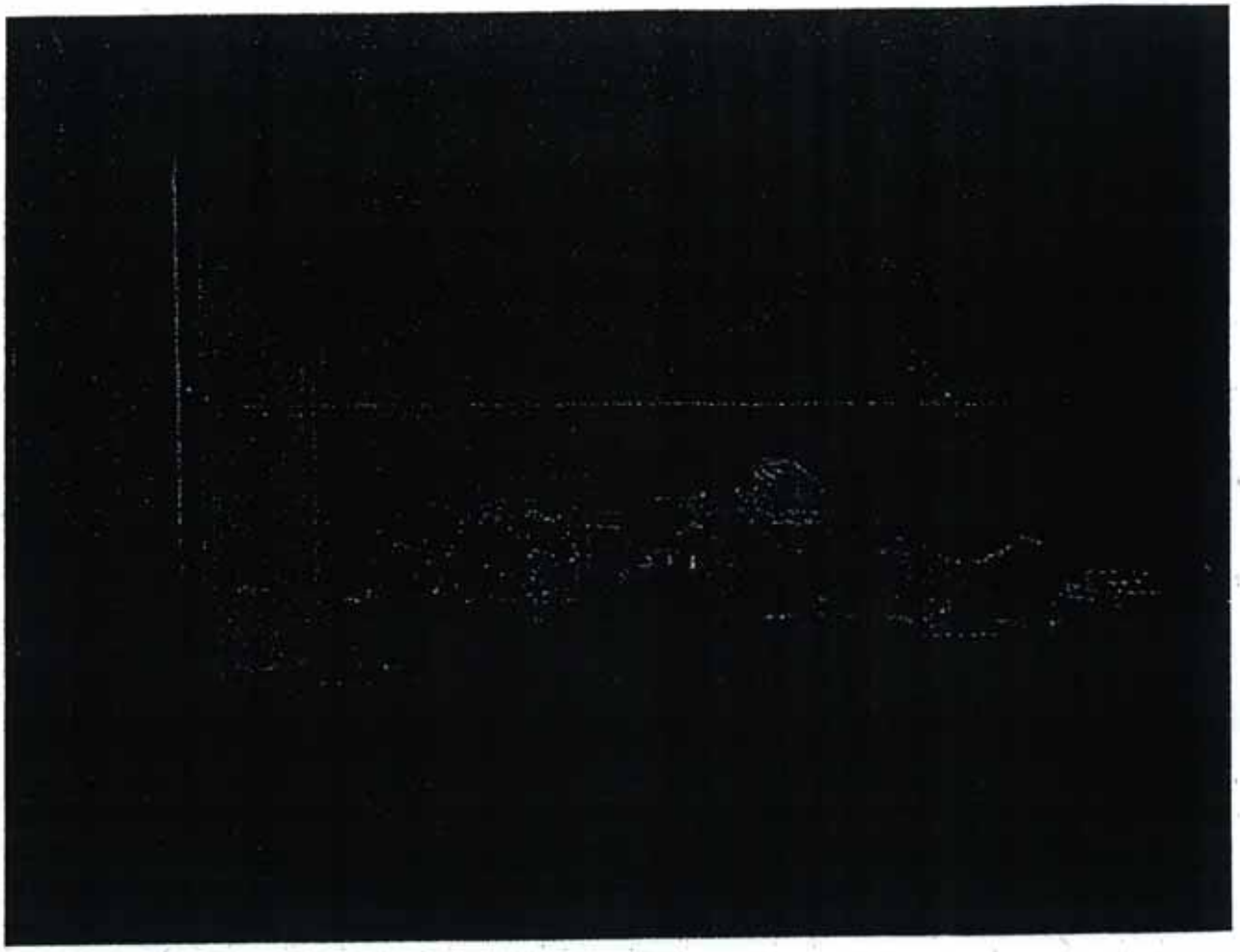

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2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
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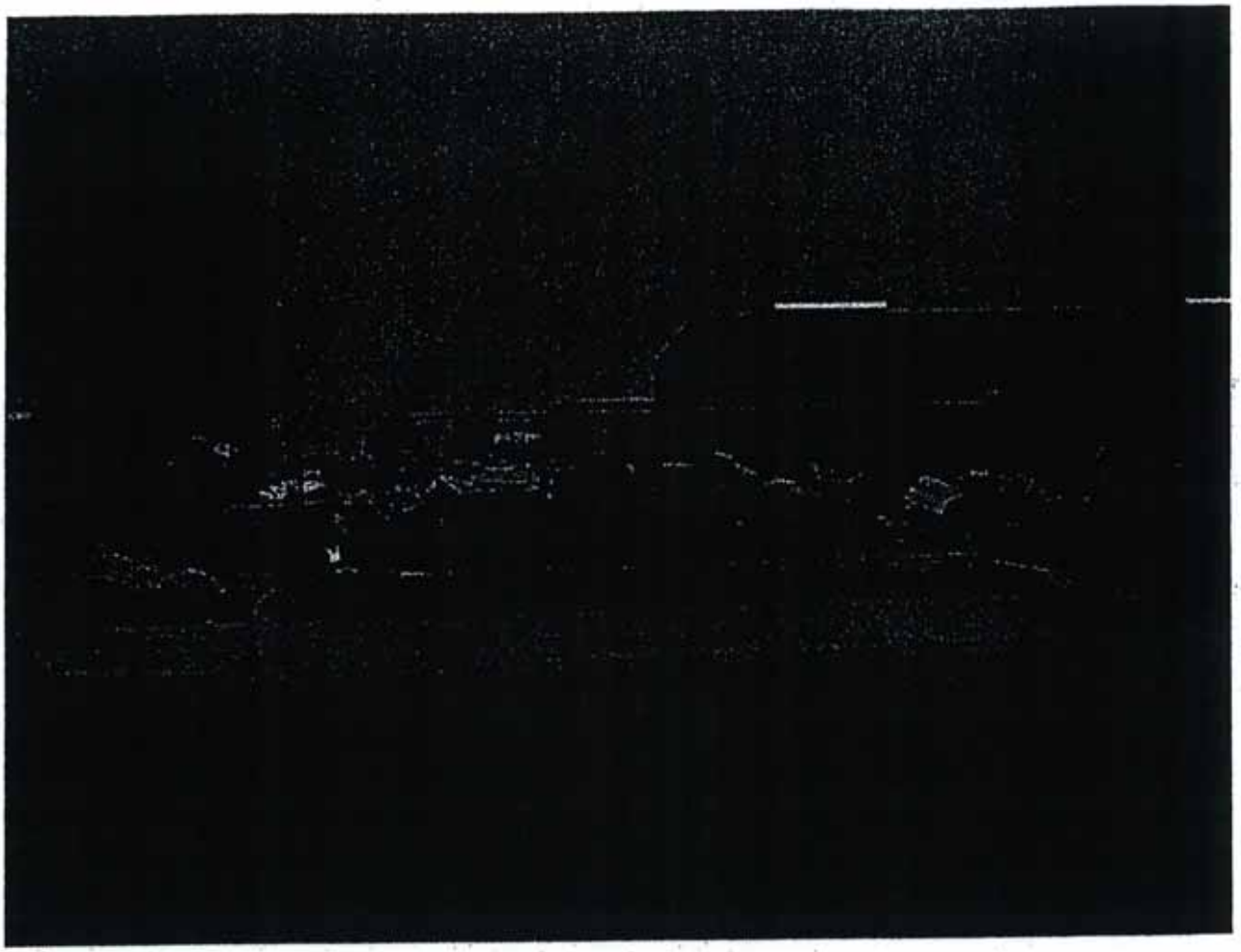

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2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
2680 N MIAMI AVE

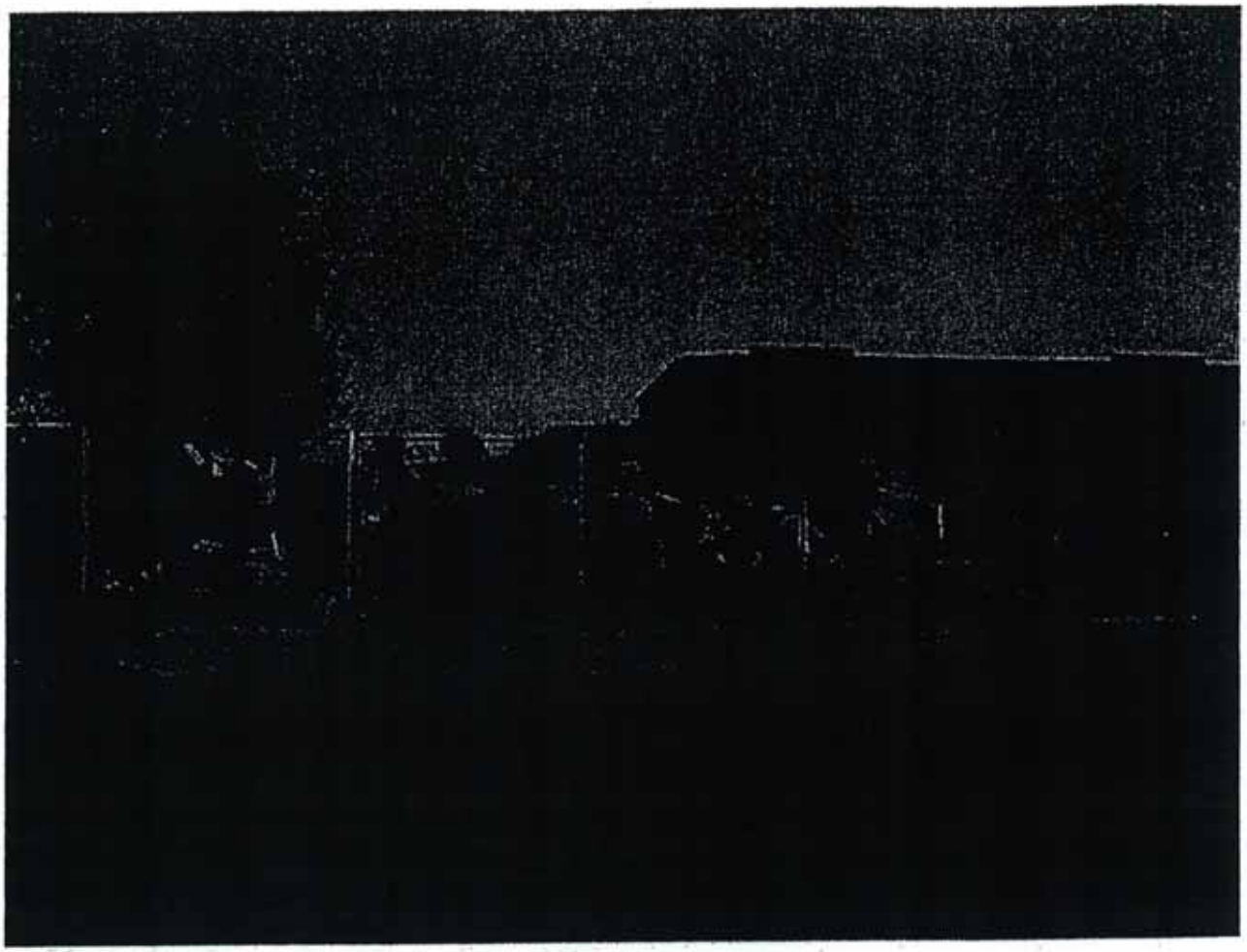
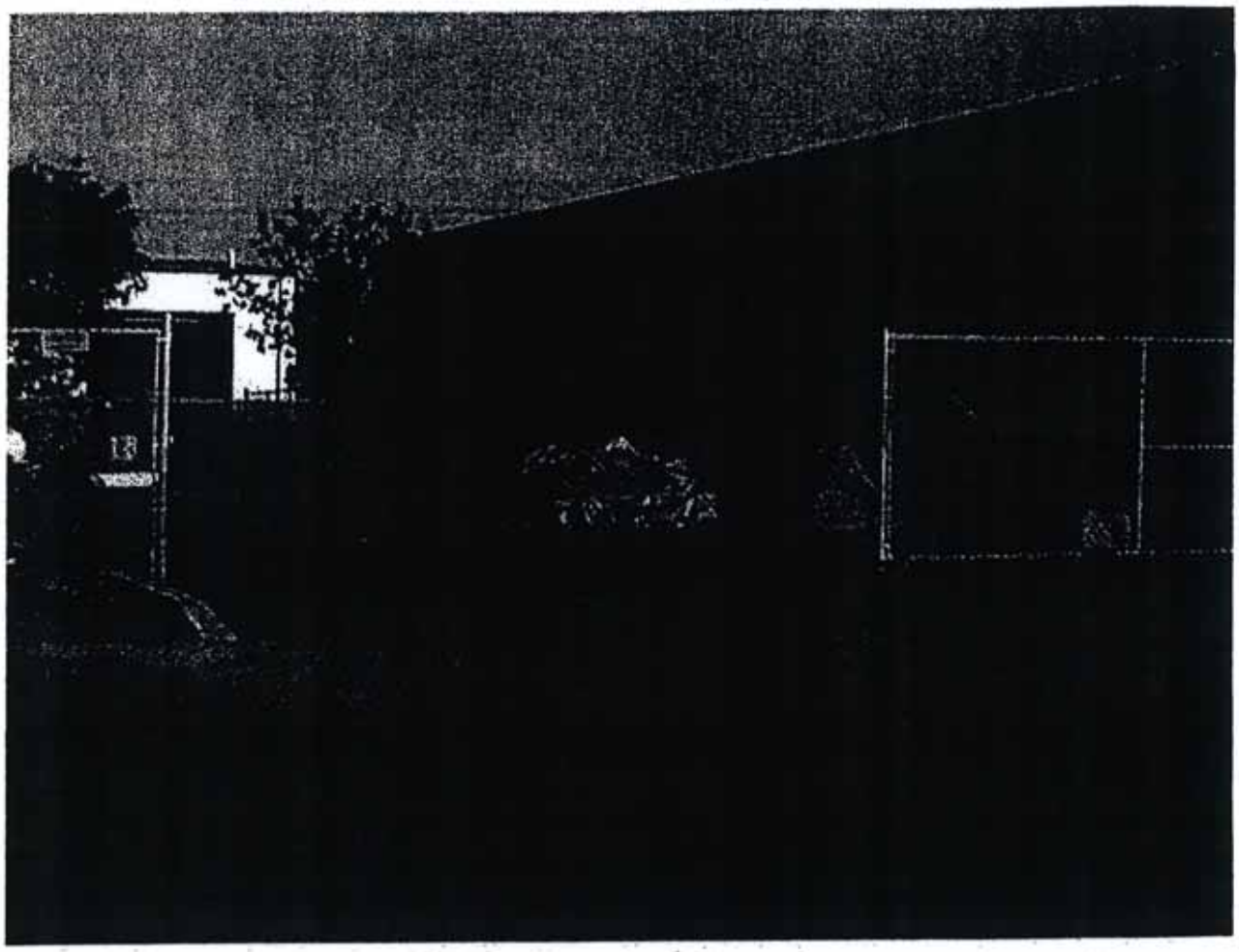


Image Date: 10/9/2003
Description: 2680 N MIAMI AVE

Print Page Go Back

2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
2680 N MIAMI AVE



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[redacted] [redacted]

2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

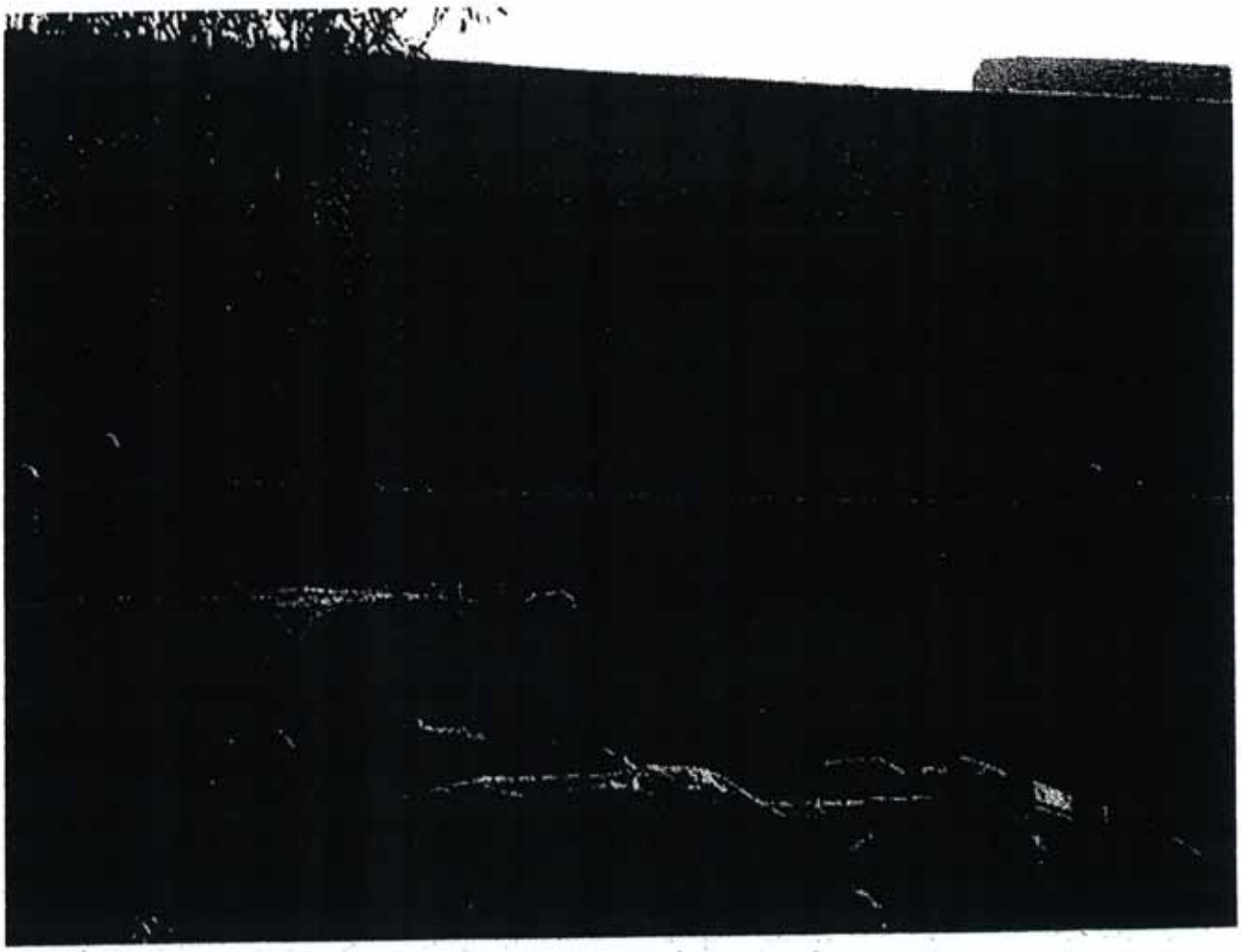
Case Description:
2680 N MIAMI AVE

Image Date: 11/3/2003
Description: 2680 N MIAMI AVE

[redacted]

2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
2680 N MIAMI AVE



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2680 N MIAMI AVE
APN 496-217-09
Case Number 03-90002022

Case Description:
2680 N MIAMI AVE

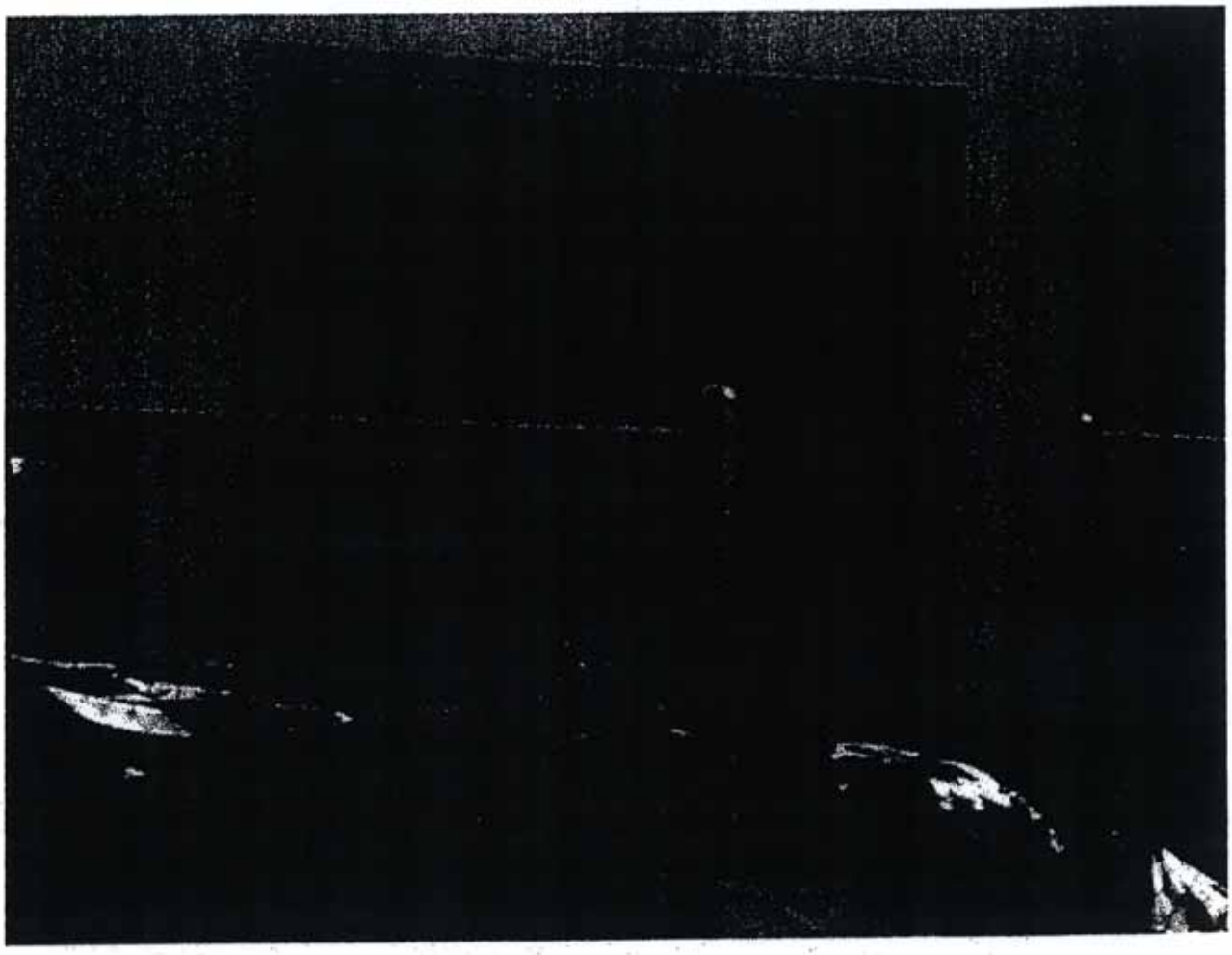

Image Date: 11/3/2003
Description: 2680 N MIAMI AVE

Print Page | Go Back

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

STATE OF CALIFORNIA COUNTY OF FRESNO	Case No. _____ DECLARATION IN SUPPORT OF INSPECTION AND ABATEMENT WARRANT FOR 2680 NORTH MIAMI AVENUE, FRESNO, CALIFORNIA

I, RICHARD FULTZ, declare:

1. I am currently employed by the City of Fresno Fire Department (FFD) as a Fire Prevention Inspector II. I have been employed in this position for the past 11 years. Prior to this, I was employed by the FFD as a Fire Prevention Inspector I for a period of 1 year.

2. My current duties and qualifications include:

   A. Inspection of commercial property for 12 years. These inspections include schools, hospitals, high pile storage facilities, retail outlets, recycling plants etc. for compliance with the California Fire Code (CFC) and the Fresno Municipal Code (FMC).

   B. Inspection of construction of new commercial property for fire department access, approval and testing of sprinkler and fire alarm systems, and any other required life safety equipment .

   C. Plan check review for new buildings and changes to existing buildings to ensure that they meet CFC and FMC requirements.

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3. My training for my current position includes the following certifications:

A. Fire Prevention 1A: Introduction to Fire Prevention - Basics of inspection and review of Building and Fire Code applications.

B. Fire Prevention 1B: Prevention Practices - Advanced and technical aspects of Fire Prevention. Further review of Building and Fire Codes and their application to field inspections.

C. Fire Prevention 1C: Flammable and Combustible Liquids and Hazardous Materials - This course studies in great detail article 79 (Flammable and Combustible Liquids) and article 80 (Hazardous Materials) in the CFC. The course covered storage, handling, and mixing of flammable and combustible liquids and hazardous materials in buildings. The course also details building construction requirements for the various hazardous materials.

D. On going training from other prevention staff with all aspects of fire prevention including weekly meetings on more technical issues of fire prevention.

4. The FFD has conducted site inspections on a property located at 2680 N. Miami, Avenue, Fresno, California, Assessors Parcel Number 496-217-09 ("Subject Property"). The current owners of record for the Subject Property are Michael and Vincenza Occhionero ("Property Owners").

5. The Property Owners are currently required to operate and maintain the Subject Property in a manner consistent with the parameters and conditions set forth in their approved Site Plan. The Site Plan addresses storage issues and specifies height and distance limitations consistent with applicable CFC requirements. (See Declaration of Israel Trejo, Exhibit A.)

6. The FFD conducted a site inspection on the Subject Property on or about July 20, 2000. During that inspection violations of the FMC and Uniform Fire Code were observed. On that same day the FFD sent the Property Owner a letter as an official

FFD notice to correct the observed deficiencies. (A copy of said letter is attached as Exhibit A.)

7. The Property Owners were given thirty (30) days to make the necessary corrections as set forth in the July 20, 2000 letter. The Property Owners have failed to make said corrections.

8. On April 2, 2003, I inspected the Subject Property. I inspected a building on Subject Property in which various materials were stored. This building was not equipped with a sprinkler system. I found that the violations noted in the July 20, 2000 letter to the Property Owners were still present on the Subject Property. The specific violations on Subject Property included:

A. High-piled combustible storage of polyurethane, a Group A plastic under CFC Section 8101.4.2.2, and other high-hazard commodities, as defined in CFC Section 8101.4.1.6, in excess of 6 feet in height in the building on Subject Property. This is a violation of CFC Section 209-H. This is also a violation the Property Owner's Site Plan (Copies of CFC Sections 8101.4.2.2, 8101.4.1.6 and 209-H attached as Exhibit B.)

B. Failure to create and maintain 96 inch aisle(s) in a nonsprinklered, high-piled storage area, as required by CFC Sections 8102.10.1, 8102.10.2.3 and 8101.6.3, in the building on Subject Property. (Copies of CFC Sections 8102.10.1, 8102.10.2.3 and 8101.6.3 attached as Exhibit C.)

C. Outside storage of combustible materials within 10 feet of the property line, in violation of CFC Section 1103.3.5.1. This is also a violation of the Property Owner's Site Plan. (Copy of CFC Section 1103.3.5.1 attached as Exhibit D.)

9. During the April 2 inspection I observed concentrations of polyurethane foam throughout the building on Subject Property. Foam products are high hazard commodities which are treated similar to tires. Polyurethane foam produces highly toxic and dense smoke during a fire. Storage of such material to a height exceeding 6 feet in

a building without a sprinkler system poses a serious threat to health and safety, due to the difficulty and danger in extinguishing a fire involving polyurethane foam.

10. On April 17, 2003, I reinspected the Subject Property and found that the violations observed on April 2, 2003 were still present on Subject Property.

11. On May 27, 2003, I reinspected the Subject Property and found that the violations observed on April 2 and April 17, 2003 were still present on Subject Property.

12. On June 16, 2003, I reinspected the Subject Property and found that the violations observed on April 2, April 17, and May 27, 2003 were still present on Subject Property.

13. On September 2, 2003, the FFD sent the Property Owners a letter requesting an inspection of the Subject Property. The Property Owners have not responded to the letter. (A copy of the letter is attached as Exhibit E).

14. November 12, 2003, I conducted a drive-by inspection of the Subject Property and noted that the violations observed on April 2, April 17, May 27 and June 16, 2003 were still present on Subject Property.

15. On November 25, 2003, I attempted to conduct an inspection of the Subject Property by requesting consent from a man I believe to be Greg Occhionero, the son of the Property Owners, for permission to inspect Subject Property. Consent was refused. On that date I further observed that the violations observed during all of my prior inspections were still present on Subject Property, including violation of the 6 foot height limitation for storage of materials inside the building of Subject Property.

16. Based upon my observations, including the inspections noted above, I believe there exist numerous CFC and FMC violations at the Subject Property, including those noted in the July 20, 2000 letter to the Property Owners and observed in my previous inspections of Subject Property. It is my opinion that the Subject Property poses a threat to the public's health and safety because of the difficulty of extinguishing a fire inside the nonsprinklered building with the materials, particularly the polyurethane foam, stacked over 6 feet in height with no maintained aisle for firefighter access.

17. An inspection warrant is necessary because the Property Owners have failed to remedy the dangerous conditions contained in the building on Subject Property, specifically the violation of the 6 foot height limitation and lack of required aisle through the piles of materials in the building. Given the nature and extent of the threat to the public's health and safety which I believe exists on the Subject Property, the inspection and abatement warrant should be issued by this Court.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this declaration was executed on December 26, 2003, at Fresno, California.

RICHARD FULTZ, Fire Prevention Inspector II

DLB:ns [29028ns/dlb] - 11/26/03

Exhibit A

Exhibit B

multiple-thickness paperboard cartons or equivalent combustible packaging material with or without pallets. Class II commodities are allowed to contain a limited amount of Group A plastics in accordance with Section 8101.4.3. Examples of Class II commodities include, but are not limited to, the following:

Alcoholic beverages not exceeding 20 percent alcohol, in combustible containers

Foods in combustible containers

Incandescent or fluorescent light bulbs in cartons

Thinly coated fine wire on reels or in cartons

8101.4.1.4 Class III commodities. Class III commodities are commodities of wood, paper, natural fiber cloth, or Group C plastics or products thereof, with or without pallets. Products are allowed to contain limited amounts of Group A or B plastics, such as metal bicycles with plastic handles, pedals, seats and tires. Group A plastics shall be limited in accordance with Section 8101.4.3. Examples of Class III commodities include, but are not limited to, the following:

Aerosol, Level 1 (see Article 88)

Combustible fiberboard

Cork, baled

Feed, bagged

Fertilizers, bagged

Food in plastic containers

Furniture: wood, natural fiber, upholstered, nonplastic, wood or metal with plastic-padded and covered arm rests

Glycol in combustible containers not exceeding 25 percent

Lubricating or hydraulic fluid in metal cans

Lumber

Mattresses, excluding foamed rubber and foamed plastics

Noncombustible liquids in plastic containers having a capacity of more than 5 gallons (18.9 L)

Paints, oil base, in metal cans

Paper, waste, baled

Paper and pulp, horizontal storage, or vertical storage that is banded or protected with approved wrap

Paper in cardboard boxes

Pillows, excluding foamed rubber and foamed plastics

Plastic-coated paper food containers

Plywood

Rags, baled

Rugs, without foamed backing

Sugar, bagged

Wood, baled

Wood doors, frames and cabinets

Yarns of natural fiber and viscose

8101.4.1.5 Class IV commodities. Class IV commodities are Class I, II or III products containing Group A plastics in ordinary corrugated cartons and Classes I, II and III products, with Group A plastic packaging, with or without pallets. Group B plastics and free-flowing Group A plastics are also included in this class. The total amount of nonfree-flowing Group A plastics shall be in accordance with Section 8101.4.3. Examples of Class IV commodities include, but are not limited to, the following:

Aerosol, Level 2 (see Article 88)

Alcoholic beverages, exceeding 20 percent but less than 80 percent alcohol, in cans or bottles in cartons

Clothing, synthetic or nonviscose

Combustible metal products (solid)

Furniture, plastic upholstered

Furniture, wood or metal with plastic covering and padding

Glycol in combustible containers (greater than 25 percent and less than 50 percent)

Linoleum products

Paints, oil base in combustible containers

Pharmaceutical, alcoholic elixirs, tonics, etc.

Rugs, foamed back

Shingles, asphalt

Thread or yarn, synthetic or nonviscose

8101.4.1.6 High-hazard commodities. High-hazard commodities are high-hazard products presenting special fire hazards beyond those of Class I, II, III or IV. Group A plastics not otherwise classified are included in this class. Examples of high-hazard commodities include, but are not limited to, the following:

Aerosol, Level 3 (see Article 88)

Alcoholic beverages, exceeding 80 percent alcohol, in bottles or cartons

Commodities of any class in plastic containers in carousel storage.

Flammable solids (except solid combustible metals)

Glycol in combustible containers (50 percent or greater)

Lacquers, which dry by solvent evaporation, in metal cans or cartons

Lubricating or hydraulic fluid in plastic containers

Mattresses, foamed rubber or foamed plastics

Pallets and flats which are idle combustible

Paper, asphalt, rolled, horizontal storage

Paper, asphalt, rolled, vertical storage

Paper and pulp, rolled, in vertical storage which is unbanded or not protected with an approved wrap

Pillows, foamed rubber and foamed plastics

Pyroxylin

Rubber tires

Vegetable oil and butter in plastic containers

8101.4.2 Classification of plastics.

8101.4.2.1 General. Plastics shall be designated as Group A, B or C in accordance with Section 8101.4.2.

8101.4.2.2 Group A plastics. Group A plastics are plastic materials having a heat of combustion that is much higher than that of ordinary combustibles, and a burning rate higher than that of Group B plastics. Examples of Group A plastics include, but are not limited to, the following:

ABS (acrylonitrile-butadiene-styrene copolymer)

Acetal (polyformaldehyde)

Acrylic (polymethyl methacrylate)

Butyl rubber

City of
FRESNO

Bureau of Fire Prevention and Fire Investigative Services
450 M Street
Fresno, California 93721-3083
559-621-4000 FAX # 559-498-4323
www.fresno.gov

FRESNO CITY FIRE DEPARTMENT CELEBRATING 125 YEARS OF SERVICE 1877 TO 2002

Fresno All-America City 2000
Fire Department
Michael E. Smith
Fire Chief

September 2, 2003

Please reply to:
Diana Thomas
Sr. Administrative Clerk
(559) 621-4000

Foam Recyclers of America
2680 North Miami
Fresno, CA 93727

SUBJECT: REQUEST FOR INSPECTION APPOINTMENT AT 2680 NORTH MIAMI, OCCUPANCY NO. 27553

Uniform Fire Code, Section 103.3.1.1 provides that the Fire Prevention Bureau shall inspect buildings and premises...for the purpose of ascertaining and causing to be corrected any conditions which would tend to cause fire or contribute to its spread.

Since we have been unable to contact anyone at the above location, we would appreciate it if you would call us to make arrangements for an inspection of this building.

Please call this office at (559) 621-4000 between 8 a.m. and 5 p.m., Monday through Friday to arrange for an inspection time.

Thank you for your cooperation.

Sincerely,

Clint Nichols

Clint Nichols, Acting Fire Marshal

dlt
2680 N. Miami

c: Rick Fultz, Fire Prevention Inspector II

July 20, 2000

Please reply to:
Leesa R. Myers,
Sr. Fire Inspector
(559) 498-1023

Carpet Recycling
2680 N. Miami Ave.
Fresno, CA 93727

Gentlemen:

SUBJECT: RESULTS OF FIRE INSPECTION - 2680 N. MIAMI AVE.
OCCUPANCY NO. 27553- APN 496-217-09

A fire survey was recently conducted at subject location. Your attention is directed to the following conditions which must be corrected in order to meet the minimum fire and life safety requirements:

1. All combustible storage must be maintained a minimum of ten feet from the property line. **Standing Notice**. Fresno Municipal Code, Section 9-711033.1.1

2. All storage inside the building must be maintained at a maximum height of six feet. Storage in excess of six feet must meet the requirements of Uniform Fire Code, Article 81, which specifies requirements for high-piled combustible storage. **Standing Notice**. Uniform Fire Code, Section 209; Section 8108.4.1.6

   As a matter of general information, issuance of a **Standing Notice** means that a reinspection may be made at any time, and if the violation has recurred or has not been remedied, an Administrative Citation will be issued. These citations carry fines in varying amounts, beginning with $100 for the first citation and escalating to $500.

4. All aisles in the store must remain clear and unobstructed, and storage shall be stored in a neat and orderly fashion. Uniform Fire Code, Article 12.

Please accept this letter as an official Fresno Fire Department notice to correct the above-listed deficiencies. It is this department's determination that a period of **30 days** from the date of this letter shall constitute adequate time to make the necessary corrections. A reinspection will be made at that time.

It should be noted that pursuant to Fresno City Council Resolution No. 92-283, a reinspection fee is charged for each site reinspection based on the original notice of correction. There is currently no base inspection fee and no charge for the first reinspection. Charges for subsequent

reinspections are $50 for the second reinspection and $75 for each additional reinspection.

If this department may be of assistance to you in this matter, please feel free to call our office at (559) 498-1023.

Sincerely,

Joel Aranaz
Fire Marshal

JA:LRM:lh

c: Captain J. Blevins, Station 10-C **(For Reinspection)**

J:/EH/Miami-2680.10-C.700

EPDM (ethylene-propylene rubber)

FRP (fiberglass-reinforced polyester)

Natural rubber (expanded)

Nitrile rubber (acrylonitrile-butadiene rubber)

PET or PETE (polyethylene terephthalate)

Polybutadiene

Polycarbonate

Polyester elastomer

Polyethylene

Polypropylene

Polystyrene (expanded and unexpanded)

Polyurethane (expanded and unexpanded)

PVC (polyvinyl chloride greater than 15 percent plasticized, e.g., coated fabric unsupported film)

SAN (styrene acrylonitrile)

SBR (styrene-butadiene rubber)

8101.4.2.3 Group B plastics. Group B plastics are plastic materials having a heat of combustion and a burning rate higher than that of ordinary combustibles, but not as high as those of Group A plastics. Examples of Group B plastics include, but are not limited to, the following:

Cellulosics (cellulose acetate, cellulose acetate butyrate, ethyl cellulose)

Chloroprene rubber

Fluoroplastics (ECTFE, ethylene-chlorotrifluoroethylene copolymer; ETFE, ethylene-tetrafluoroethylene copolymer; FEP, fluorinated ethylene-propylene copolymer)

Natural rubber (nonexpanded)

Nylon (Nylon 6, Nylon 6/6)

PVC (polyvinyl chloride greater than 5 percent, but not exceeding 15 percent plasticized)

Silicone rubber

8101.4.2.4 Group C plastics. Group C plastics are plastic materials which have a heat of combustion and a burning rate similar to those of ordinary combustibles. Examples of Group C plastics include, but are not limited to, the following:

Fluoroplastics (PCTFE, polychlorotrifluoroethylene; PTFE, polytetrafluoroethylene)

Melamine (melamine formaldehyde)

Phenol

PVC (polyvinyl chloride, rigid or plasticized less than 5 percent, e.g., pipe, pipe fittings)

PVDC (polyvinylidene chloride)

PVDF (polyvinylidene fluoride)

PVF (polyvinyl fluoride)

Urea (urea formaldehyde)

8101.4.3 Limited quantities of Group A plastics in mixed commodities. Figure 8101.4-A shall be used to determine the quantity of Group A plastics allowed to be stored in a package or carton or on a pallet without increasing the commodity classification.

8101.5 Designation of High-piled Storage Areas.

8101.5.1 General. High-piled storage areas, and portions of high-piled storage areas intended for storage of a different commodity class than adjacent areas, shall be designed and specifically designated to contain Class I, Class II, Class III, Class IV or high-hazard commodities. The designation of a high-piled combustible storage area, or portion thereof intended for storage of a different commodity class, shall be based on the highest hazard commodity class stored except as provided in Section 8101.5.2.

8101.5.2 Designation based on engineering analysis. The designation of a high-piled combustible storage area, or portion thereof, is allowed to be based on a lower hazard class than that of the highest class of commodity stored when a limited quantity of the higher hazard commodity has been demonstrated by engineering analysis to be adequately protected by the sprinkler system provided. The engineering analysis shall consider the ability of the sprinkler system to deliver the higher density required by the higher-hazard commodity. The higher density shall be based on the actual storage height of the pile or rack and the minimum allowable design area for sprinkler operation as set forth in the density/area figures provided in UFC Standards 81-1 and 81-2. The contiguous area occupied by higher-hazard commodity shall not exceed 120 square feet (11.15 m^2), and additional areas of higher-hazard commodity shall be separated from other such areas by 25 feet (7620 mm) or more.

The sprinkler system shall be capable of delivering the higher density over a minimum area of 900 square feet (83.6 m^2) for wet pipe systems and 1,200 square feet (111.5 m^2) for dry pipe systems. The shape of the design area shall be in accordance with the Fire Code (see Section 9003, Standard n.2.9).

8101.6 Housekeeping and Maintenance.

8101.6.1 Rack structures. The structural integrity of racks shall be maintained.

8101.6.2 Ignition sources.

8101.6.2.1 General. Clearance from ignition sources shall be provided in accordance with Section 1109.

8101.6.2.2 Smoking. Smoking shall be prohibited. Approved NO SMOKING signs shall be conspicuously posted. See Section 1109.4.

8101.6.3 Aisle maintenance. When restocking is not being conducted, aisles shall be kept clear of storage, waste material and debris. Fire department access doors, aisles and exit doors shall not be obstructed.

During restocking operations using manual stocking methods, a minimum unobstructed aisle width of 24 inches (609.6 mm) shall be maintained in 48-inch (1219.2 mm) or smaller aisles, and a minimum unobstructed aisle width of one half of the required aisle width shall be maintained in aisles greater than 48 inches (1219.2 mm). During mechanical stocking operations, a minimum unobstructed aisle width of 44 inches (1117.6 mm) shall be maintained. See Section 8102.10.

8101.6.4 Pile dimension and height limitations. See Section 8103.3.

8101.6.5 Arrays. See Section 8103.4.

8101.6.6 Flue spaces. See Section 8104.3.

dents or other pests. Fumigants are distinguished from insecticides and disinfectants.

FUMIGATION is a process using a fumigant.

SECTION 208 — G

GARAGE is a building or portion thereof in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired or kept.

GARAGE, PRIVATE, is a building or a portion of a building, not more than 1,000 square feet (92.9 m^2) in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

GARAGE, PUBLIC, is any garage other than a private garage.

GAS CABINET is a fully enclosed, noncombustible enclosure used to provide an isolated environment for compressed gas cylinders in storage or use. Doors and access ports for exchanging cylinders and accessing pressure-regulating controls are allowed to be included.

GAS ROOM is a separately ventilated, fully enclosed room in which only compressed gases and associated equipment and supplies are stored or used.

GENERAL-PURPOSE WAREHOUSE is a detached building or a separate portion of a building used for storage or warehousing operations involving mixed commodities.

GRANDSTANDS are tiered or stepped seating facilities wherein an area of more than 3 square feet (0.28 m^2) is assigned for each person when computing the occupant load.

GROUND PIECE is a pyrotechnic device that functions on the ground. Ground pieces include fountains, roman candles, wheels and set pieces.

GUEST is any person hiring or occupying a room for living or sleeping purposes.

GUNPOWDER is any of various powders used in firearms and small arms ammunition as propelling charges.

SECTION 209 — H

HANDLING is the deliberate movement of material by any means to a point of storage or use.

HAZARDOUS CHEMICAL REACTION is a reaction which generates pressure or byproducts which could cause injury, illness or harm to humans, domestic animals, livestock or wildlife.

HAZARDOUS FIRE AREA is land which is covered with grass, grain brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated by the chief on a map maintained in the office of the chief.

HAZARDOUS MATERIALS are those chemicals or substances which are physical hazards or health hazards as defined and classified in Article 80 whether the materials are in usable or waste condition.

HAZARDOUS PRODUCTION MATERIAL (HPM) is a solid, liquid or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability or reactivity of Class 3 or 4 as ranked by UFC Standard 79-3 and which is used directly in research, laboratory or production processes which have as their end product materials which are not hazardous.

HAZARDOUS WATERSHED FIRE AREA is a location within 500 feet (152.4 m) of a forest or brush-, grass- or grain-covered land, exclusive of small individual lots or parcels of land located outside of a brush-, forest- or grass-covered area.

HEALTH HAZARD is a classification of a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects could occur in exposed persons. Health hazards include chemicals which are carcinogens, toxic or highly toxic materials, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.

HEATING AND COOKING APPLIANCE is an electric, gas or oil-fired appliance not intended for central heating.

HELIPORT is an area of land or water or a structure surface which is used, or intended for use, for the landing and take-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

HELISTOP is the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

HIGH EXPLOSIVE is explosive material, such as dynamite, which can be caused to detonate by means of a No. 8 test blasting cap when unconfined.

HIGHLY TOXIC MATERIAL is a material which produces a lethal dose or lethal concentration which falls within any of the following categories:

1. A chemical that has a median lethal dose (LD_{50}) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

2. A chemical that has a median lethal dose (LD_{50}) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours, or less if death occurs within 24 hours, with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.

3. A chemical that has a median lethal concentration (LC_{50}) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume or dust, when administered by continuous inhalation for one hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

Mixtures of these materials with ordinary materials, such as water, might not warrant classification as highly toxic. While this system is basically simple in application, any hazard evaluation which is required for the precise categorization of this type of material shall be performed by experienced, technically competent persons.

HIGHLY VOLATILE LIQUID is a liquid with a boiling point of less than 68°F (20°C).

HIGH-PILED COMBUSTIBLE STORAGE is storage of combustible materials in closely packed piles or combustible materials on pallets, in racks or on shelves where the top of storage is greater than 12 feet (3658 mm) in height. When required by the chief, high-piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets and similar commodities, where the top of storage is greater than 6 feet (1829 mm) in height.

HIGHWAY is a public street or public road.

HOGGED MATERIAL is a mixture of bark, chips, dust or other pieces of natural wood by-products.

HORIZONTAL EXIT is a wall which completely divides a floor of a building into two or more separate exit-access areas to

Exhibit C

conditions, the chief is authorized to require additional fire protection as required for special hazards in Section 1001.9.

Specifications for fire apparatus access roads shall be in accordance with Section 902.2.

8102.6.2 Access doors.

8102.6.2.1 General. When building access is required by Table 81-A, fire department access doors shall be provided in accordance with Section 8102.6.2. Access doors shall be accessible without the use of a ladder.

8102.6.2.2 Number of doors required. One or more access doors shall be provided in each 100 lineal feet (30 480 mm), or major fraction thereof, of the exterior walls which face required access roadways.

8102.6.2.3 Door size and type. Access doors shall not be less than 3 feet (914 mm) in width and 6 feet 8 inches (2032 mm) in height. Roll-up doors shall not be used unless approved.

8102.6.2.4 Locking devices. Only approved locking devices shall be used.

8102.7 Smoke and Heat Removal.

8102.7.1 General. When smoke and heat removal are required by Table 81-A, smoke and heat vents shall be provided in accordance with Section 8102.7.

EXCEPTIONS: 1. When the installation of smoke and heat vents is determined by the chief to be impractical, mechanical smoke-removal systems are allowed to be provided in accordance with UFC Standard 81-3.

2. Frozen food storage classified as a Class I or Class II commodity is not required to be provided with smoke and heat vents or mechanical smoke removal when protected by an automatic sprinkler system.

8102.7.2 Types of vents. Smoke and heat vents shall be approved and shall be labeled to indicate compliance with nationally recognized standards. See Article 90, Standards f.1.2, i.2.1 and u.1.12. Smoke and heat vents shall be operated automatically by activation of any one of the following:

1. An approved fixed-temperature heat-responsive device rated between 100 and 200°F (56 and 111°C) above estimated ambient temperatures,

2. An approved rate-of-rise device, or

3. Approved heat-sensitive glazing designed to shrink and drop out of the vent opening.

The heat-responsive device shall be listed and labeled. Smoke and heat vents shall have the capability of being opened by an approved manual operation.

8102.7.3 Vent dimensions. The effective venting area shall not be less than 16 square feet (1.49 m^2) with no dimension less than 4 feet (1219 mm), excluding ribs or gutters having a total width not exceeding 6 inches (152.4 mm).

8102.7.4 Vent locations. Smoke and heat vents shall be located in accordance with Table 81-B. Vents shall be located 20 feet (6096 mm) or more from lines of adjacent properties and 10 feet (3048 mm) or more from occupancy separation walls separating other high-piled storage areas. Vents shall be uniformly located within the roof area above high-piled storage areas.

8102.8 Curtain Boards.

8102.8.1 General. When curtain boards are required by Table 81-A, curtain boards shall be provided in accordance with Section 8102.8.

8102.8.2 Construction. Curtain boards shall be constructed of sheet metal, lath and plaster, gypsum wallboard, or other approved materials which provide equivalent performance that will resist the passage of smoke. Joints and connections shall be smoke tight.

8102.8.3 Location and depth. The location and depth of curtain boards shall be in accordance with Table 81-B.

8102.9 Hose Stations and Hose Connections.

8102.9.1 Small hose stations. When small hose valves and stations are required by Table 81-A, approved $1^1/_2$-inch (38.1 mm) hose valves shall be provided at approved locations. When required by the chief, hose, nozzles, hose racks, and cabinets or covers shall be provided. See UFC Standards 81-1 and 81-2.

8102.9.2 Fire department hose connections. When exit passageways are required by the building code for egress, a Class I standpipe system shall be provided in accordance with the Building Code. See UBC Standard NO TAG.

8102.10 Aisles.

8102.10.1 General. Aisles providing access to exits and fire department access doors shall be provided in high-piled storage areas exceeding 500 square feet (46.45 m^2) in accordance with Section 8102.10. For aisles separating storage piles or racks, see also UFC Standards 81-1 and 81-2 and Article 88.

EXCEPTION: Where aisles are precluded by rack storage systems, alternate methods of access and protection are allowed when approved.

8102.10.2 Width.

8102.10.2.1 General. Aisle width shall be in accordance with Section 8102.10.2.

EXCEPTIONS: 1. Cross aisles used only for employee access between aisles shall be 24 inches (609.6 mm) or more in width.

2. Aisles separating shelves classified as shelf storage shall be 30 inches (762 mm) or more in width.

8102.10.2.2 Sprinklered buildings. Aisles in sprinklered buildings shall be 44 inches (1117.6 mm) or more in width. Aisles shall be 96 inches (2438.4 mm) or more in width in high-piled storage areas exceeding 2,500 square feet (232.26 m^2) in area and designated to contain high-hazard commodities.

Aisles shall be 96 inches (2438.4 mm) or more in width in public accessible areas where mechanical stocking methods are used.

8102.10.2.3 Nonsprinklered buildings. Aisles in nonsprinklered buildings shall be 96 inches (2438.4 mm) or more in width.

8102.10.3 Clear height. The required aisle width shall extend from floor to ceiling. Rack structural supports and catwalks are allowed to cross aisles at a height 6 feet 8 inches (2032 mm) or more above the level of the finished floor, provided that such supports do not interfere with fire department hose stream trajectory.

8102.10.4 Dead ends. Dead end aisles shall be in accordance with the Building Code.

8102.11 Portable Fire Extinguishers. Portable fire extinguishers shall be provided in accordance with UFC Standard 10-1.

SECTION 8103 — SOLID-PILED AND SHELF STORAGE

8103.1 General. Shelf storage and storage in solid piles, solid piles on pallets and binbox storage in binboxes not exceeding 5 feet (1524 mm) in any dimension shall be in accordance with Sections 8102 and 8103.

8103.2 Fire Protection.

EPDM (ethylene-propylene rubber)

FRP (fiberglass-reinforced polyester)

Natural rubber (expanded)

Nitrile rubber (acrylonitrile-butadiene rubber)

PET or PETE (polyethylene terephthalate)

Polybutadiene

Polycarbonate

Polyester elastomer

Polyethylene

Polypropylene

Polystyrene (expanded and unexpanded)

Polyurethane (expanded and unexpanded)

PVC (polyvinyl chloride greater than 15 percent plasticized, e.g., coated fabric unsupported film)

SAN (styrene acrylonitrile)

SBR (styrene-butadiene rubber)

8101.4.2.3 Group B plastics. Group B plastics are plastic materials having a heat of combustion and a burning rate higher than that of ordinary combustibles, but not as high as those of Group A plastics. Examples of Group B plastics include, but are not limited to, the following:

Cellulosics (cellulose acetate, cellulose acetate butyrate, ethyl cellulose)

Chloroprene rubber

Fluoroplastics (ECTFE, ethylene-chlorotrifluoroethylene copolymer; ETFE, ethylene-tetrafluoroethylene copolymer; FEP, fluorinated ethylene-propylene copolymer)

Natural rubber (nonexpanded)

Nylon (Nylon 6, Nylon 6/6)

PVC (polyvinyl chloride greater than 5 percent, but not exceeding 15 percent plasticized)

Silicone rubber

8101.4.2.4 Group C plastics. Group C plastics are plastic materials which have a heat of combustion and a burning rate similar to those of ordinary combustibles. Examples of Group C plastics include, but are not limited to, the following:

Fluoroplastics (PCTFE, polychlorotrifluoroethylene; PTFE, polytetrafluoroethylene)

Melamine (melamine formaldehyde)

Phenol

PVC (polyvinyl chloride, rigid or plasticized less than 5 percent, e.g., pipe, pipe fittings)

PVDC (polyvinylidene chloride)

PVDF (polyvinylidene fluoride)

PVF (polyvinyl fluoride)

Urea (urea formaldehyde)

8101.4.3 Limited quantities of Group A plastics in mixed commodities. Figure 8101.4-A shall be used to determine the quantity of Group A plastics allowed to be stored in a package or carton or on a pallet without increasing the commodity classification.

8101.5 Designation of High-piled Storage Areas.

8101.5.1 General. High-piled storage areas, and portions of high-piled storage areas intended for storage of a different commodity class than adjacent areas, shall be designed and specifically designated to contain Class I, Class II, Class III, Class IV or high-hazard commodities. The designation of a high-piled combustible storage area, or portion thereof intended for storage of a different commodity class, shall be based on the highest hazard commodity class stored except as provided in Section 8101.5.2.

8101.5.2 Designation based on engineering analysis. The designation of a high-piled combustible storage area, or portion thereof, is allowed to be based on a lower hazard class than that of the highest class of commodity stored when a limited quantity of the higher hazard commodity has been demonstrated by engineering analysis to be adequately protected by the sprinkler system provided. The engineering analysis shall consider the ability of the sprinkler system to deliver the higher density required by the higher-hazard commodity. The higher density shall be based on the actual storage height of the pile or rack and the minimum allowable design area for sprinkler operation as set forth in the density/area figures provided in UFC Standards 81-1 and 81-2. The contiguous area occupied by higher-hazard commodity shall not exceed 120 square feet (11.15 m^2), and additional areas of higher-hazard commodity shall be separated from other such areas by 25 feet (7620 mm) or more.

The sprinkler system shall be capable of delivering the higher density over a minimum area of 900 square feet (83.6 m^2) for wet pipe systems and 1,200 square feet (111.5 m^2) for dry pipe systems. The shape of the design area shall be in accordance with the Fire Code (see Section 9003, Standard n.2.9).

8101.6 Housekeeping and Maintenance.

8101.6.1 Rack structures. The structural integrity of racks shall be maintained.

8101.6.2 Ignition sources.

8101.6.2.1 General. Clearance from ignition sources shall be provided in accordance with Section 1109.

8101.6.2.2 Smoking. Smoking shall be prohibited. Approved NO SMOKING signs shall be conspicuously posted. See Section 1109.4.

8101.6.3 Aisle maintenance. When restocking is not being conducted, aisles shall be kept clear of storage, waste material and debris. Fire department access doors, aisles and exit doors shall not be obstructed.

During restocking operations using manual stocking methods, a minimum unobstructed aisle width of 24 inches (609.6 mm) shall be maintained in 48-inch (1219.2 mm) or smaller aisles, and a minimum unobstructed aisle width of one half of the required aisle width shall be maintained in aisles greater than 48 inches (1219.2 mm). During mechanical stocking operations, a minimum unobstructed aisle width of 44 inches (1117.6 mm) shall be maintained. See Section 8102.10.

8101.6.4 Pile dimension and height limitations. See Section 8103.3.

8101.6.5 Arrays. See Section 8103.4.

8101.6.6 Flue spaces. See Section 8104.3.

Exhibit D

4. Individual decorative items of a size and separated from others, as approved.

1103.3.3.2 Textile and film materials. Textile and film materials shall be treated and maintained flame resistant in accordance with nationally recognized standards. See Article 90, Standard n.2.3.

1103.3.3.3 Wood. Wood materials less than $^1/_4$ inch (6.4 mm) nominal thickness shall be treated with a flame-retardant coating in accordance with nationally recognized standards. See Article 90, Standard n.2.4.

1103.3.3.4 Foam plastics. Foam plastics and materials containing foam plastics shall be in accordance with the following:

1. Exhibit booth construction shall have a maximum heat-release rate of 100 kilowatts when tested in accordance with nationally recognized standards. See Article 90, Standard u.1.15.

2. Decorative objects, including but not limited to mannequins, murals and signs, shall have a maximum heat-release rate of 150 kilowatts when tested in accordance with nationally recognized standards. See Article 90, Standard u.1.15.

EXCEPTION: When the aggregate area of murals, signs or similar decorative objects occupies less than 10 percent of the floor or wall area, this requirement may be waived by the chief.

3. Theater, motion picture and television stage settings with or without horizontal projections and simulated caves or caverns shall have a maximum heat-release rate of 100 kilowatts when tested in accordance with nationally recognized standards. See Article 90, Standard u.1.15.

1103.3.3.5 Nonfoam plastics. Plastic materials other than foam plastics shall be flame resistant or shall be rendered flame resistant by treating with a flame-retardant coating.

1103.3.3.6 Maintenance of flame-resistant treatments. Treatments used to render materials flame resistant shall be renewed as often as necessary to maintain the materials' flame resistance in accordance with Section 1103.3.3.

1103.3.4 Atrium furnishings.

1103.3.4.1 Potential heat. Potential heat of combustible furnishings and decorative materials within atria shall not exceed 9,000 Btu per pound (20 934 J/g) when located within an area that is more than 20 feet (6096 mm) below ceiling-level sprinklers.

1103.3.4.2 Decorative materials. Decorative material in atria shall be noncombustible, flame resistant or treated with a flame retardant.

1103.3.5 Outside storage.

1103.3.5.1 Location. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.

EXCEPTIONS: 1. The separation distance is allowed to be reduced to 3 feet (914 mm) for storage not exceeding 6 feet (1829 mm) in height.

2. The separation distance is allowed to be reduced when the chief determines that no hazard to the adjoining property exists.

1103.3.5.2 Storage beneath buildings and structures. Combustible material shall not be stored beneath a building or structure.

1103.3.5.3 Storage beneath overhead projections from buildings. Combustible materials stored or displayed outside of buildings that are protected by automatic sprinklers shall not be stored or displayed under unsprinklered eaves, canopies or other projections or overhangs.

1103.3.5.4 Height. Storage in the open shall not exceed 20 feet (6096 mm) in height.

1103.3.6 Outside storage of tires.

1103.3.6.1 General. Outside tire storage shall be in accordance with Section 1103.3.6.

1103.3.6.2 Individual piles. Tires shall be restricted to individual piles not exceeding 5,000 square feet (464.5 m^2) of continuous area. Piles shall not exceed 50,000 cubic feet (1415.8 m^3) in volume or 10 feet (3048 mm) in height.

1103.3.6.3 Separation. A clear space of at least 40 feet (12 192 mm) shall be provided between piles. The clear space shall not contain flammable or combustible material or vegetation. Tire storage shall not be located within 10 feet (3048 mm) of any property line or building and shall not exceed 6 feet (1829 mm) in height when within 20 feet (6096 mm) of any property line or building.

SECTION 1104 — PARADE FLOATS

1104.1 Decorative Material. Decorative material on parade floats shall be noncombustible or flame retardant.

1104.2 Fire Protection. Motorized parade floats and towing apparatus shall be provided with a minimum 2-A, 10-B:C-rated portable fire extinguisher readily accessible to the operator.

SECTION 1105 — ASPHALT KETTLES

1105.1 Transporting. Asphalt kettles shall not be transported on a highway, road or street when the heat source for the kettle is operating.

EXCEPTION: Asphalt kettles in the process of patching road surfaces.

1105.2 Use. Asphalt kettles shall not be used inside or on the roof of a building.

1105.3 Fire Protection. A minimum 20-B:C-rated portable fire extinguisher shall be located within 30 feet (9144 mm) of each asphalt kettle when the heat source is operating. A minimum 20-B:C-rated portable fire extinguisher shall also be located on roofs during asphalt coating operations.

1105.4 Covers. Asphalt kettles shall be equipped with tightfitting covers.

1105.5 Location. Asphalt kettles shall not be located within 20 feet (6096 mm) of any combustible material, combustible building surface or building opening.

1105.6 Attendant. An attendant shall be within 100 feet (30 480 mm) of a kettle when the heat source is operating. Ladders or similar obstacles shall not form a part of the route between the attendant and the kettle.

EXCEPTION: Thermostatically controlled kettles.

SECTION 1106 — GAS METERS AND PIPING

Aboveground gas meters, regulators and piping exposed to vehicular damage due to proximity to alleys, driveways or parking areas shall be protected in an approved manner.

SECTION 1107 — HEAT-PRODUCING APPLIANCES

1107.1 General. Heating appliances shall be installed and maintained in accordance with their listing and the Building, Electrical and Mechanical codes. Clearance from combustible material shall

Exhibit E

City of
FRESNO

Bureau of Fire Prevention and Fire Investigative Services
450 M Street
Fresno, California 93721-3083
559-621-4000 FAX # 559-498-4323
www.fresno.gov

FRESNO CITY FIRE DEPARTMENT CELEBRATING 125 YEARS OF SERVICE 1877 TO 2002

Fresno All-America City 2000
Fire Department
Michael E. Smith
Fire Chief

September 2, 2003

Please reply to:
Diana Thomas
Sr. Administrative Clerk
(559) 621-4000

Foam Recyclers of America
2680 North Miami
Fresno, CA 93727

SUBJECT: REQUEST FOR INSPECTION APPOINTMENT AT 2680 NORTH MIAMI, OCCUPANCY NO. 27553

Uniform Fire Code, Section 103.3.1.1 provides that the Fire Prevention Bureau shall inspect buildings and premises...for the purpose of ascertaining and causing to be corrected any conditions which would tend to cause fire or contribute to its spread.

Since we have been unable to contact anyone at the above location, we would appreciate it if you would call us to make arrangements for an inspection of this building.

Please call this office at (559) 621-4000 between 8 a.m. and 5 p.m., Monday through Friday to arrange for an inspection time.

Thank you for your cooperation.

Sincerely,

Clint Nichols

Clint Nichols, Acting Fire Marshal

dlt
2680 N. Miami

c: Rick Fultz, Fire Prevention Inspector II

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

STATE OF CALIFORNIA COUNTY OF FRESNO	)	Case No. _____ SUPPLEMENTAL DECLARATION IN SUPPORT OF INSPECTION AND ABATEMENT WARRANT FOR 2680 N. MIAMI AVENUE, FRESNO, CALIFORNIA

I, ISRAEL TREJO, declare:

1. I have personal knowledge of the facts set forth herein and could and would testify competently thereto if called upon by a court of law.

2. I am a Planner II, employed by the City of Fresno in the Code Enforcement Division. I have been employed with the Code Enforcement Division for (2) years and (10) months as a Code Enforcement Inspector.

3. I am familiar with the property at 2680 N. Miami Avenue, Fresno, California, Fresno County Assessor's parcel number 496-217-09 ("Subject Property").

4. On November 26, 2003 I signed a Declaration in Support of Inspection and Abatement Warrant ("Original Declaration) for Subject Property (see copy of Original Declaration, attached hereto as Exhibit A.)

5. On November 26, 2003 Judge Robert Oliver of the Fresno County Superior Court signed an Inspection and Abatement Warrant ("Warrant") for Subject Property (see copy of Warrant, attached hereto as Exhibit B.) The Warrant states that the Warrant will be effective from November 26, 2003 for a period not to exceed fourteen (14) days.

6. The Warrant was not executed from November 27 through November 30, 2003 due to the Thanksgiving Holiday and immediately proceeding weekend.

7. The Warrant was not executed during the week of December 1 through December 5, 2003 due to the fact that the City of Fresno Fire Inspector involved with Subject Property, Richard Fultz, was out-of-town attending a fire safety training course.

8. On Friday, December 5, 2003 I posted Subject Property with the required 24-hour notice. The notice stated the Warrant would be served on Monday, December 8, 2003 at 11:00 a.m.

9. On December 8, 2003 at 11:00 a.m. I executed the Warrant at Subject Property. After inspecting the Subject Property and the warehouse thereon, I realized it would take multiple days to abate the public nuisance. Specifically, due to the amount and variety of materials in the warehouse, as well as the haphazard storage of those materials, it will require multiple days of work to remove those materials to a degree that will sufficiently abate the hazardous condition and public nuisance within the warehouse.

10. On December 9, 2003 I was informed by the contractors hired by the City to conduct the abatement inside the warehouse that they would need at least an additional full day of work beyond December 9 to complete the abatement.

11. For the above reasons, I believe it is necessary to extend the time for completion of the abatement of the hazardous condition and public nuisance on Subject Property, as authorized in the Warrant, for an additional three (3) days, until the end of the day on Friday, December 12, 2003 and that good cause exists for such extension.

I declare under penalty of perjury, under the laws of the State of California, that the forgoing is true and correct, and that this declaration was executed on the 9th day of December, 2003 at Fresno, California.

Israel Trejo, Planner II

DLB:ns [29147ns/dlb] - 12/9/03

APRIL 2004 NOTICE AND ORDER

City of
FRESNO

Code Enforcement Division
2600 Fresno Street, Room 3070
Fresno, California 93721-3605
(559) 621-8400 • FAX (559) 488-1078
www.fresno.gov

Planning and Development Department

Nick P. Yovino
Director

Call or Schedule an Appointment With:
Israel Trejo at (559) 621-8435
Monday thru Thursday

April 2, 2004

Michael and Vincenza Occhionero
757 Laverne Avenue
Clovis, CA 93611

Dear Property Owner:

SUBJECT: **NOTICE AND ORDER**
ADDRESS: 2680 North Miami Avenue
APN: 496-217-09

Enclosed is a Correction Notice and Order to remove the violations on the property of which you are the owner and/or beneficiary of record. We are requiring that all listed violations be corrected and completed within the time frame noted in the attached Correction Notice and Order. Staff will reinspect to determine if corrections are in progress or have been completed.

It is very important that you clean-up, remove, repair, or cease unlawful use of said property within the specified time period. Failure to correct the violations within the time frame provided will result in further action by the City, including citations, administrative fees, abatement by the City, and/or legal action. If further action is required, you will be held responsible for the City's costs to enforce the code and/or abate the violations. Fees for the City's enforcement/abatement costs start at $347.00 which would not include any penalty that may be assessed against you. The City may collect costs either against the property through the imposition of liens and property tax assessments or as a personal debt collected through a collection agency or a lawsuit.

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, the notice and order may be recorded against the property in the Office of the County Recorder. When all corrections are made and complete, fees are paid, permits finalized (if required) and a $26 termination fee paid, the Notice will be cleared with the Office of the County Recorder.

If you disagree with the requirements of the Notice and Order, you have the right to appeal pursuant to Fresno Municipal Code Section 9-805.2. You may file an appeal to the Hearing Officer pursuant to Article 5 of 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. There is a non-refundable Administrative Hearing Fee of $35 for residential units up to two, $55 for three or more units and $75 for commercial units. Please bring or send a check or money order with the appeal form. If payment is not included with the appeal form you will be billed.

If you have any questions regarding this notice, please contact me at the above referenced number.

Sincerely,

signed for:

Israel Trejo
Code Enforcement Inspector

c: Tenant

IXT/lr

CITY OF FRESNO
CODE ENFORCEMENT DIVISION

INSPECTION CORRECTION NOTICE

REMOVE ALL MUNICIPAL CODE VIOLATION(S)

ADDRESS:	2680 North Miami Avenue	DATE:	April 2, 2004
APN:	496-217-09	CASE#:	03-90002022

REQUIREMENTS PER FRESNO MUNICIPAL CODE:

1. *Illegal use of land: consisting of the relinquishment, reduction, or alteration of the parking area or parking space, including the driveway, via storage of polyurethane, scrap metal, foam cushion, cardboard and other miscellaneous items* [FMC 9-804.j; 12-226.5.I.3; 12-306.I.1.a,b; 12-411.A: S-96-76].
   It shall be required that you remove all items from the parking area, parking spaces and driveway.

2. *Illegal use of land: consisting of the relinquishment or reduction of the loading space via storage of polyurethane, scrap metal, scrap wood, car parts, cardboard and other miscellaneous items* [FMC 9-804.j; 12-226.5.L; 12-306.L.1.g; 12-411.A: S-96-76].
   It shall be required that you remove all items from the loading space.

DEADLINES:

All violation(s) are to be removed by ***April 17, 2004.***
Removal and/or disposal of a public nuisance must be completed in a lawful manner.

Israel Trejo
Code Enforcement Inspector

Ray Villa
Code Enforcement Manager

JUNE 2006 INSPECTION WARRANT

FILED

AUG 14 2006

FRESNO COUNTY SUPERIOR COURT

By _____ NAG DEPUTY

SUPERIOR COURT OF CALIFORNIA COUNTY OF FRESNO

CENTRAL DIVISION

STATE OF CALIFORNIA	Case No.: 06 CE CG 02082
COUNTY OF FRESNO	**INSPECTION WARRANT FOR 2680 N. MIAMI AVENUE, FRESNO, CALIFORNIA**

To the people of the State of California and to any Code Enforcement Officer and/or Fire Inspector and Police Officer of the City of Fresno:

UPON GOOD CAUSE SHOWN TO THE COURT by declaration of Chris Montelongo, Neighborhood Standards Specialist II with the City of Fresno Planning and Development Department, Code Enforcement Division.

THAT THERE EXISTS THE FOLLOWING VIOLATIONS:

1. Violation of Approved Site Plan No. S-96-76 based on unlawful storage on site.

AT THE PREMISES LOCATED ON

2680 N. Miami Avenue in the City of Fresno ("Subject Property")

Assessor's Parcel Number: 496-217-09.

YOU ARE COMMANDED AND AUTHORIZED to enter the premises of the Subject Property to inspect the **exterior and interior** of the premises and take photographs.

THIS INSPECTION SHALL be conducted pursuant to Code of Civil Procedure Section 1822.56 in a reasonable manner for the purpose of ensuring compliance with all

applicable laws. Notice that the warrant has been issued must be given at least twenty-four (24) hours before the warrant is executed. The inspection may be done between the hours of 8:00 a.m. and 6:00 p.m., of any day. The property owner or tenant in possession or control of subject property must be on the premises during the service and execution of the warrant. City of Fresno Police Officers may accompany City Code and/or Fire Department Officers, Inspectors or Representatives at the time of execution of the warrant **for the purpose of keeping the peace**. This warrant will be effective from the date hereof for a period not to exceed fourteen (14) days. The warrant shall be returned to the Court after execution.

Given under my hand this 27th day of June 2006.

Judge of the Superior Court

Return: Inspection of the premises located at 2680 N. Miami Avenue, Fresno, California, was conducted by the City of Fresno on JUNE 29, _____, 2006.

City of Fresno

Planning and Development Department
Code Enforcement Division

Chris Montelongo
Neighborhood Standards Specialist II

KCP:dlv [38178dlv/kcp] – 6/27/06

24 HOUR NOTICE OF INSPECTION

NOTICE

An inspection at 2680 North Miami Avenue, Fresno, California will be conducted by the City of Fresno, Department of Planning and Development, Code Enforcement Division and the City of Fresno Fire Department on JUNE 29, 2006 @ 2PM.

This inspection will be done pursuant to an Inspection Warrant issued by the Fresno County Superior Court. A copy of the warrant will be delivered at the time of service.

It is a misdemeanor to willfully refuse to permit an inspection authorized by warrant. [CCP § 1822.57]

This Notice serves as the required 24-hour notice of intent to execute the above-mentioned warrant. [CCP § 1822.56]

Chris Montelongo
Neighborhood Standards Specialist II

I, CHRIS MONTELONGO, declare:

1. I have personal knowledge of the facts set forth herein and could and would testify competently thereto if called upon by a court of law.

2. I make this return to the inspection warrant issued in this matter on June 27, 2006, regarding the property located at 2680 N. Miami Avenue, Fresno, California, Fresno County Assessor's parcel number 496-217-09 ("Subject Property").

3. Said warrant was issued on June 27, 2006, to enter the above premises and conduct an inspection.

The property was posted on June 28, 2006, informing the owner that the City intended to enter the property and execute the inspection warrant.

4. On June 29, 2006, the warrant was served and the property was inspected.

5. The condition of the property was such that the property was being used in a manner not approved under the current Site Plan No. S-96-76 for the property.

The undersigned declares under penalty of perjury, under the laws of the State of California that the foregoing is true and correct, and that this return of inspection warrant was executed this 5th day of July, 2006, at Fresno, California.

Chris Montelongo
Neighborhood Standards Specialist II

NOVEMBER 2009 NOTICE AND ORDER

City of
FRESNO

PLANNING AND DEVELOPMENT DEPARTMENT

CODE ENFORCEMENT DIVISION
2600 FRESNO STREET, ROOM 3070
FRESNO, CA 93721
(559) 621-8403, FAX (559) 488-1078
www.fresno.gov

Call or Schedule an Appointment With:
Chris Montelongo at (559) 621-8403

November 5, 2009

FILE COPY

Occhionero Michael & Vincenza
757 Laverne Ave
Clovis, CA 93611

SUBJECT: **NOTICE & ORDER; AND COMPLIANCE ORDER PURSUANT TO FMC 10-418.c**
ADDRESS: **2680 N Miami Ave**
APN: **496-217-09**
CASE NUMBER: 03-90002022

Enclosed is a Correction Notice and Order; and a Compliance Order pursuant to FMC 10-418.c to remove the violations on the property of which you are the owner and/or beneficiary of record. The listed violations must be corrected and completed by the deadline indicated in the attached Correction Notice. We will re-inspect the subject property to determine whether you have complied with this Notice and Order; and Compliance Order. **Penalties.** If you fail to comply with this compliance order, and or the conditions provided in this order, and you are in violation of the conditions of your permit or other requirements under the Fresno Municipal Code, the city may impose administrative civil penalties upon you of up to $2500 per day per violation until you comply with this order.

Failure to correct the violations by the deadline indicated will result in further action by the City, including citations, administrative fees, abatement by the City, and/or legal action. Please note that you will be billed $447 for the cost of issuing this Notice and Order. This amount is the minimum amount approved under the Master Fee Schedule for the issuance of a Notice and Order. If further action is required, you will be held responsible for the City's costs to enforce the code and/or abate the violations. Fees for the City's enforcement/abatement costs start at $100 per hour, which does not include any penalty that may be assessed against you. The City may collect costs through the imposition of liens and property tax assessments against the subject property and/or as a personal debt collected through a collection agency or a lawsuit.

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, the Notice and Order may be recorded against the property in the Office of the County Recorder. When all corrections are made and complete, fees are paid, permits finalized (if required) and a $26 termination fee paid, the Notice will be cleared with the Office of the County Recorder.

Please Note: Failure to comply with this Compliance Order will result in suspension, revocation and/or denial of your Solid Waste / Recycling Facilities Permit.

Penalties. If, after issuing an order of compliance, the permit holder has failed to meet the schedule for achieving compliance and or the conditions provided in the order of compliance, and the permit holder is in violation of the conditions of their permit or other requirements under this article or the Code, the city may impose administrative civil penalties upon the permit holder of up to twenty-five hundred dollars ($2500) per day per violation until the permit holder complies with the conditions in the permit and or the requirements of this article or the Code.

If you disagree with the requirements of this Notice and Order you have the right to appeal the Notice and Order pursuant to Fresno Municipal Code Section 10-612 You may file an appeal to the Hearing Officer pursuant to Article 4 of Chapter 1 of the Fresno Municipal Code, provided the appeal is received by the Hearing Officer within 18 days from the date 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. There is an Administrative Hearing Fee of $35 for residential units up to two, $55 for three or more units and $75 for commercial units. Please bring or send a check or money order with the appeal form. If payment is not included with the appeal form you will be billed.

Please contact the inspector at the above referenced number with any questions.

C: Occupant
cjm:drm

CITY OF FRESNO
CODE ENFORCEMENT DIVISION
NOTICE AND ORDER CORRECTION NOTICE
REMOVE ALL MUNICIPAL CODE VIOLATION(S)

Address: 2680 N Miami Ave
APN: 496-217-09

Date: November 5, 2009
Case: 03-90002022

REQUIREMENTS PER THE FRESNO MUNICIPAL CODE:

1. *This property has rubbish or junk (including but not limited to) refuse, cardboard, foam, and misc. items located throughout property* [FMC 10-605.a].
   It shall be required that you remove all rubbish or junk from the property.

2. *Failure to submit an application and permit fee for a SOLID WASTE / RECYCLING FACILITY PERMIT* [FMC: 10-407; 10-410; 10-411; 10-412; 10-419; 10-605.i].
   The Fresno Municipal Code requires that all recycling facility operators apply for and obtain a Solid Waste / Recycling Facility Permit for each facility they operate.

3. *Illegal use of land: Consisting of the relinquishment, reduction, or alteration of the parking area or parking spaces, including the driveway as designated on the Site Plan for the Subject Property (S-96-76). Said areas are currently being used for the storage of polyurethane foam, cardboard, and other miscellaneous items.* This is a violation of FMC 10-605.j.l; 12-306.I.1.a, b, d; and 12-411.A.B.
   It will be required that you reinstate your parking as required under Site Plan No. S-96-76 and remove all unapproved outdoor storage.

4. *The business owner and property owners have maintained a public nuisance at the subject property by failing to comply with the conditions of approval under Site Plan No. S-96-76. This is a violation of the Fresno Municipal Code Sections 12-411.A & B which read:*

   A. *VIOLATION OF CONDITION.* If any portion of a privilege authorized by the issuance of a special permit is utilized, all terms and conditions attached thereto shall immediately become effective and must be strictly complied with. The violation of any such term or condition shall constitute a nuisance and violation of this Zoning Ordinance and shall be subject to the same penalties as any other violation of this Code.

   B. *VIOLATION OF A NUISANCE.* Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the Fresno Municipal Code, and any use of land, building or premises established, conducted or operated or maintained contrary to the provisions of this Zoning Ordinance, and any violation of any condition of any permit or development entitlement issued under the authority of Chapter 12 shall be and the same is hereby declared to be unlawful and a public nuisance; and the matter may be abated or corrected by administrative citation, action by City forces, court process, or by the filing of a criminal action for violation of this Code; said remedies to be cumulative. In addition to any other remedies available in the Zoning Ordinance and the Code, violations may be remedied pursuant to City of Fresno Public Nuisance Abatement Ordinance (Chapter 10, Article 6).

Chris Montelongo
Code Enforcement Inspector

NE

5. *Illegal storage of materials within building exceeding height limit restrictions imposed by the conditions of approval under Site Plan No. S-96-76 and Exhibit A dated August 21, 1996 of S-96-76. This is a violation of FMC 10-605.j.l and 12-411.A.&B.*
Maximum height of storage or baled plastics is to be six feet without an automatic fire sprinkler system. Since no automatic fire sprinkler system exist, you will be required to reduce the height storage of all materials to six feet.

DEADLINES:

All violations are to be removed by **December 5, 2009.**
Removal and/or disposal of violation(s) must be completed in a lawful manner.

IMPORTANT INFORMATION:

If you have any questions regarding this notice, ***please contact the inspector. If you wish to speak with the inspector in person you must call and make an appointment.***

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On November 5, 2009, I caused to be served the foregoing documents described as Notice and Order on the interested parties to the within action by placing the original/a true copy thereof, enclosed in a sealed envelope, addressed as stated on the attached mailing list, as follows:

____ (BY CERTIFIED) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

__X__ (BY FIRST CLASS MAIL) I am "readily familiar" with the City's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully paid at Fresno, California in the ordinary course of business.

____ (BY PERSONAL SERVICE) I delivered such document by hand to the interested parties.

____ (BY POSTING) I posted the foregoing Notice and Order at the property located at:

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

Executed on NOVEMBER 5, 2009, at Fresno, California.

Signature

Subject Address: 2680 N Miami Ave

Mailed To:

Occhionero Michael & Vincenza
757 Laverne Ave
Clovis, CA 93611

03-90002022

DFTIID
Code Enforcement Inspector

City of
FRESNO

FILE COPY

INVOICE

CASE NUMBER: **03-90002022** BILLING DATE: **November 5, 2009**

LOCATION: **2680 N MIAMI AVE** APN: **496-217-09**

SEND BILL TO:

OCCHIONERO MICHAEL & VINCENZA
757 LAVERNE AVE
CLOVIS, CA 93611

Send copy of bill to:

COST DETAIL:	AMOUNT:
NOTICE AND ORDER ENFORCEMENT FEE	$447.00
Total Amount Due:	**$447.00**

DETACH AND RETURN **BOTTOM** PORTION WITH PAYMENT

Prepared by:
Approved by:

City of
FRESNO
PLANNING AND DEVELOPMENT
DEPARTMENT

REMIT TO:
CODE ENFORCEMENT DIVISION
2600 FRESNO ST, ROOM 3076
FRESNO, CA 93721
PHONE (559) 621-8400

OCCHIONERO MICHAEL & VINCENZA	APN:	496-217-09
757 LAVERNE AVE	CASE NUMBER:	03-90002022
CLOVIS, CA 93611	TOTAL DUE:	$447.00

OCTOBER 2013 NOTICE AND ORDER

City of
FRESNO

FILE COPY

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

COMMUNITY REVITALIZATION
2600 FRESNO STREET, ROOM 3070
FRESNO, CA 93721
(559) 621-8403 FAX (559) 488-1078
www.fresno.gov

Call or Schedule an Appointment With:
Chris Montelongo at (559) 621- 8403

October 24, 2013

Occhionero Michael & Vincenza
757 Laverne Ave
Clovis, CA 93611

SUBJECT: **NOTICE AND ORDER**
ADDRESS: **2680 N Miami Ave**
APN: **496-217-09**

Enclosed is a Correction Notice and Order to remove the violations on the property of which you are the owner/responsible party. We are requiring that all listed violations be corrected and completed within the time frame noted in the attached Correction Notice and Order. Staff will reinspect to determine if corrections are in progress or have been completed.

It is very important that you clean-up, remove, repair, or cease unlawful use of said property within the specified time period. Failure to correct the violations within the time frame provided will result in further action by the City, including citations, administrative fees, abatement by the City, and/or legal action. If further action is required, you will be held responsible for the City's costs to enforce the code and/or abate the violations. Fees for the City's enforcement/abatement costs start at $447.00, which would not include any penalty or additional administrative fees that may be assessed against you. The City may collect costs either against the property through the imposition of liens and property tax assessments or as a personal debt collected through a collection agency or a lawsuit.

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, the notice and order may be recorded against the property in the Office of the County Recorder. When all corrections are made and complete, fees are paid, permits finalized (if required) and a termination fee paid, the Notice will be cleared with the Office of the County Recorder.

If you disagree with the requirements of the Notice and Order, you have the right to appeal pursuant to Fresno Municipal Code Section 10-608. You may file an appeal to the Hearing Officer pursuant to Article 4 of Chapter 1 of the Fresno Municipal Code, provided the appeal is received by the Hearing Officer within 15 days from the date 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. There is an Administrative Hearing Fee of $35 for residential units up to two, $55 for three or more units and $75 for commercial units. Please bring or send a check or money order with the appeal form. If payment is not included with the appeal form you will be billed. Please be advised that if the Notice and Order is upheld on appeal the City may recover enforcement costs including, but not limited to, costs incurred in investigating and defending the Notice and Order on appeal. Enforcement costs incurred by the City are recoverable even if the code violation(s) is corrected by the property owner/responsible party.

If you have any questions regarding this notice, please contact the inspector at the above referenced number. ***If you wish to speak with the inspector in person you must call and make an appointment.***

Chris Montelongo
Community Revitalization Specialist
Enclosure: Photo(s)
c: Tenant
cjm

12-00009059

CITY OF FRESNO
COMMUNITY REVITALIZATION

NOTICE AND ORDER CORRECTION NOTICE

REMOVE ALL MUNICIPAL CODE VIOLATION(S)

Address: 2680 N Miami Ave
APN: 496-217-09

Date: October 24, 2013
Case: 12-00009059

REQUIREMENTS PER THE FRESNO MUNICIPAL CODE:

1. There are materials stored throughout the property which are not approved under Site Plan No. S-11-057, including but not limited to scrap metal, appliances, bed frames, televisions and other electronic devices. There are materials stored in unapproved areas as well, including, but not limited to, the driveways and ingress and egress lanes, as well as in the required parking stalls; and areas immediately next to the building on the property. Items are also being stored beyond the height of the fence surrounding the property.

   Storing unapproved items, and storing approved items in a manner that is inconsistent with the conditions of approval under Site Plan No. S-11-057 is a violation of the Fresno Municipal Code. Failure to comply with the conditions of approval under Site Plan No. S-11-057 is a violation of Fresno Municipal Code (FMC) Sections 12-411.A & B. (Zoning Ordinance Violations). This also violates FMC Sections 10-605.j & .l (Public Nuisance Ordinance Violations)

   It shall be required that you remove all non-approved materials from the subject property and store all approved materials in a manner that complies with all conditions of approval under Site Plan No. S-11-057: (1) Items must be stored in a manner that maintains a minimum of 5ft clearance from the building (2) Materials shall not be located within 10 ft of a property line or may be stored 3ft from the property line if the storage height does not exceed 6ft in height (3) The maximum storage height for outdoor storage shall not exceed the height of the fence surrounding the property.

2. You have relinquished the parking stalls required under the Conditions of Approval under Site Plan No. 11-057, by storing various materials in the areas designated for required parking and for accessing the required parking stalls on the Subject Property. Relinquishment, reduction, or alteration of the parking areas or parking spaces, including the driveways designated on the Site Plan for the Subject Property is a violation of FMC Secs. 12-306.I.1.a, b, d; 12-411.A. & B.; and 10-605.j & l.

   It shall be required that you remove all materials occupying and or obstructing the required parking areas and ingress and egress lanes pursuant to the conditions of approval under Site Plan No. S-11-057.

Chris Montelongo
Community Revitalization Specialist

3. The landscaping on the property is not being maintained. You have failed to comply with the conditions of approval under Site Plan No. S-11-057 by not maintaining the landscaping on the Subject Property. Failure to comply with the conditions of approval under Site Plan No. S-11-057 is a violation of Fresno Municipal Code (FMC) Sections 12-411.A & B. (Zoning Ordinance Violations). This also violates FMC Section 10-605.j & .l (Public Nuisance Ordinance Violations)

   It shall be required that you maintain all landscaping pursuant to Site Plan No. S-11-057.

4. The business owner and property owners have maintained a public nuisance at the subject property by failing to comply with the conditions of approval under Site Plan No. S-11-057. This is a violation of the Fresno Municipal Code Sections 12-411.A & B which read:

   A. *VIOLATION OF CONDITION.* If any portion of a privilege authorized by the issuance of a special permit is utilized, all terms and conditions attached thereto shall immediately become effective and must be strictly complied with. The violation of any such term or condition shall constitute a nuisance and violation of this Zoning Ordinance and shall be subject to the same penalties as any other violation of this Code.

   B. *VIOLATION A NUISANCE.* Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the Fresno Municipal Code, and any use of land, building or premises established, conducted or operated or maintained contrary to the provisions of this Zoning Ordinance, and any violation of any condition of any permit or development entitlement issued under the authority of Chapter 12 shall be and the same is hereby declared to be unlawful and a public nuisance; and the matter may be abated or corrected by administrative citation, action by City forces, court process, or by the filing of a criminal action for violation of this Code; said remedies to be cumulative. In addition to any other remedies available in the Zoning Ordinance and the Code, violations may be remedied pursuant to City of Fresno Public Nuisance Abatement Ordinance (Chapter 10, Article 6).

DEADLINES:

All violations are to be removed by **November 13, 2013.**
Removal and/or disposal of violation(s) must be completed in a lawful manner.

IMPORTANT INFORMATION:
If you have any questions regarding this notice, ***please contact the inspector. If you wish to speak with the inspector in person you must call and make an appointment.***

Chris Montelongo
Community Revitalization Specialist

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On October 24, 2013, I caused to be served the foregoing documents described as Notice and Order on the interested parties to the within action by placing the original/a true copy thereof, enclosed in a sealed envelope, addressed as stated on the attached mailing list, as follows:

____ (BY CERTIFIED) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

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____ (BY PERSONAL SERVICE) I delivered such document by hand to the interested parties.

__X__ (BY POSTING) I posted the foregoing Notice and Order at the property located at:

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

Executed on October 24, 13, at Fresno, California.

Signature

Subject Address: 2680 N Miami Ave

Mailed To:

Tenant
2680 N. Miami
Fresno, CA 93727

Occhionero Michael & Vincenza
757 Laverne Ave
Clovis, CA 93611

12-00009059

2680 N MIAMI AVE

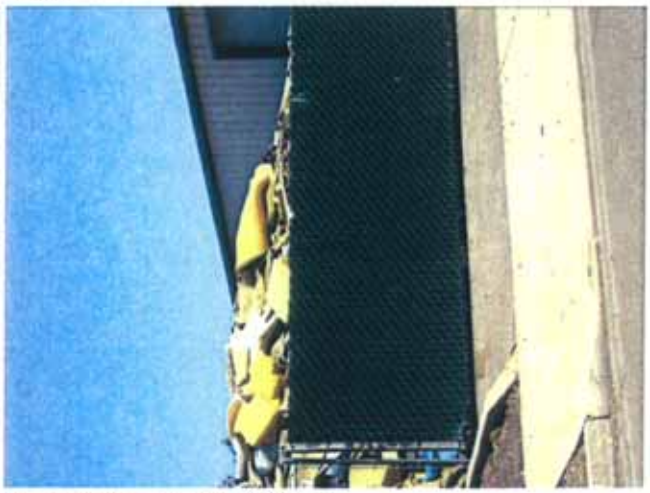
Case #: 12-00009059 APN: 496-217-09

Case Type: PNRV PN RUBBISH/JUNK/MISC ITEMS

Date: 9/19/2013 2:06:54 PM
Foam products at northside of property. Photo taken facing southeast.

Date: 9/19/2013 2:07:04 PM
Foam products piled up exceeding height of fence at west side driveway area. Photo taken facing east.

Date: 9/19/2013 2:07:08 PM
Foam products piled up exceeding height of fence at west side driveway area. Photo taken facing east.



Date: 9/19/2013 2:07:12 PM
Foam products piled up exceeding height of fence at west side driveway area. Photo taken facing east.

Date: 9/19/2013 2:07:29 PM
Storage materials near back building exceeding height of fence. Photo taken facing east.

Date: 9/19/2013 2:07:31 PM
Storage materials near back building exceeding height of fence. Photo taken facing east.

Date: 10/7/2013 12:26:15 AM
Viewing pile of storage material at southwest corner of property. Photo taken facing east.

Date: 10/7/2013 12:26:26 AM
Close up of metals stored at top of pile at southwest corner of property. Photo facing east.

Date: 10/7/2013 12:27:08 AM
Viewing appliance (washer) along with what resembles computer monitors located at southwest corner of property. Photo taken facing east.

Date: 10/7/2013 12:27:40 AM
Large pile of material stored at west side of property near gate. Pile exceeds height of fence. Photo taken facing east.

Date: 10/7/2013 12:27:55 AM
Landscape at north area of property not being maintained. Photo taken facing east.

Date: 10/7/2013 12:28:14 AM

Date: 10/7/2013 12:28:28 AM
Storage material including metal bin located at north area of property. Phot taken facing southeast.

Date: 10/7/2013 12:28:45 AM
Piles of material stored at norteast corner of property at gate exceeding height of fence. Scrap metal can be seen at top of pile. Photo taken facing southeast.

Date: 10/7/2013 12:29:01 AM
Piles of material stored at norteast corner of property at gate exceeding height of fence. Scrap

Date: 10/7/2013 12:30:36 AM
Storage of materials at south area of property. Photo taken facing north.

metal can be seen at top of pile. Photo taken facing southeast.

Date: 10/7/2013 12:32:25 AM
Wide view of northwest area of property showing large pile of materials exceeding height of fence. Photo taken facing southeast.

Date: 10/15/2013 9:32:18 PM
Reinsp. Pile of stored materials located at northeast corner of property.

Date: 10/15/2013 9:33:18 PM
Reinsp. Pile of stored materials located at northeast corner of property in front of driveway area.

Date: 10/15/2013 9:34:33 PM
Reinsp. Baled material stored along north area of property. Landscaping does not screen stored materials.

Date: 10/15/2013 9:35:00 PM

Date: 10/15/2013 9:35:36 PM

Reinsp. Stored materials along northwest corner of property.

Date: 10/15/2013 9:35:56 PM
Reinsp. Landscaping at northwest corner of property.

Reinsp. Viewing pile of stored materials at west side of property in front of gate entrance/exit area.

Date: 10/15/2013 9:36:19 PM
Reinsp. Landscaping at northwest corner of property.

Date: 10/24/2013 4:02:09 AM
Notice and Order posted at gate (northeast corner).

Date: 10/24/2013 4:02:17 AM
Notice and Order posted at gate (northeast corner)

Date: 11/5/2013 10:31:00 PM
Viewing pile of debris located at the northeast corner of property.

Date: 11/5/2013 10:31:20 PM
Viewing pile of debris near property line and exceeding height of fence at northeast corner of

property.

Date: 11/5/2013 10:31:42 PM
Bales of foam and other items stacked at north area of property.

Date: 11/5/2013 10:32:06 PM
Pile of debris and landscaping seen at north area of property. Photo taken facing southeast.

Date: 11/5/2013 10:32:21 PM
Pile of debris at northwest corner of property. Pile exceeding height of fence. Pile near driveway approach. Photo taken facing east.

Date: 11/5/2013 10:32:34 PM
Viewing pile of debris at north area of property above the height of fence. Pile near warehouse. Photo taken facing east.

Date: 11/5/2013 10:32:56 PM
Viewing debris stacked next to warehouse at southwest corner of property. Photo taken facing

Date: 11/5/2013 10:33:02 PM
Viewing debris stacked next to warehouse at southwest corner of property. Photo taken facing

east.

east.

NOVEMBER/DECEMBER 2013 INSPECTION AND ABATEMENT WARRANT, AND RELATED DOCUMENTS

Inspection and Abatement Warrant

NOTICE OF INSPECTION AND ABATEMENT WARRANT

You are hereby notified that on December 16, 2013, at 9:30 a.m., the City of Fresno, pursuant to the attached Inspection and Abatement Warrant, will begin and conduct an inspection and abatement at 2680 N. Miami, Fresno, California. Said inspection and abatement shall continue until completed.

Certified Article Number

7196 9008 9111 1167 1983

SENDERS RECORD

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

STATE OF CALIFORNIA COUNTY OF FRESNO	Case No.: _____ **EXTENDED/RENEWED INSPECTION & ABATEMENT WARRANT FOR 2680 N MIAMI AVENUE, FRESNO, CALIFORNIA**

To the People of the State of California, any Code Enforcement Officer of the City of Fresno, any Police Officer, Animal Control Officer, Building Official, Planning Official or Fire Official of the City of Fresno, or any contractor hired by the City of Fresno:

UPON GOOD CAUSE SHOWN TO THE COURT by declaration of Richard Salinas, City of Fresno, Senior Community Revitalization Specialist, and it appearing that there is cause for believing that there exists violations on the property located at 2680 N. MIAMI AVENUE, Assessor's Parcel Number (APN 496-217-09).

THAT THERE EXIST VIOLATIONS OF:

1. Fresno Municipal Code Section 10-605(j) and (l); Storing unapproved items, and storing approved items in manner that is inconsistent with the conditions of approval under Site Plan No. S-11-057.

2. Fresno Municipal Code Section 12-306.I.1.a, b, d; Relinquishment, reduction, or alteration of the parking areas or parking space, including the driveways designated by the Site Plan.

3. Fresno Municipal Code Section 12-411.A and B.; The Business Owner and Property Owner failed to comply with the conditions of approval under the Site Plan.

CITY ATTORNEY
CITY HALL

AT THE PREMISES LOCATED ON:

2680 N. Miami Avenue in the City of Fresno ("Subject Property"),

Assessor's Parcel Number 496-217-09;

YOU ARE HEREBY COMMANDED AND AUTHORIZED under authority of FMC Sections 10-604(b), 10-606, 10-607, 10-608, and 10-616 to enter and (1) **inspect** the premises of the Subject Property including an area enclosed by a locked fence; (2) **abate** the conditions constituting the violations listed above, including removal of any rubbish or junk located throughout the property; and (3) **situate and store** the commodities currently on the Subject Property that do not comply with approved Site Plans S-96-76 and S-11-057 in a similar manner as they are stored on the Subject Property including, but not limited to, containers and bins for a period of up to 90 days.

THE INSPECTION AND ABATEMENT SHALL be made pursuant to Code of Civil Procedure Section 1822.56, and extended/renewed according to Section 1822.55. This inspection shall be conducted any day between 8:00 a.m. and 6:00 p.m., within fourteen (14) days from the date of this Warrant and after making the inspection you are directed to make a return to this court according to Section 1822.55 of the Code of Civil Procedure.

Sufficient cause X **has** / ___ **has not** been shown for execution of the warrant in the absence of the Property Owner.

Sufficient cause X **has** / ___ **has not** been shown for execution of the warrant by means of forcible entry.

Sufficient cause ___**has** / ___ **has not** been shown for waiver of at least 24 hours' notice to the Property Owner prior to execution of the warrant by personal service or by posting the property and by certified mail to the property owner. This warrant will be effective from the date hereto for a period not to exceed fourteen (14) days and shall be returned upon execution.

///

///

///

CITY ATTORNEY
CITY HALL
FRESNO, CA 93721

City of Fresno Police Officers may be present at the time of execution of the warrant **for the purpose of keeping the peace.**

Given under my hand this day, December 4, 2013.

Judge of the Superior Court

Return: Inspection of the premises located at 2680 N. Miami Avenue, Fresno, California was conducted by the City of Fresno on December ___, 2013.

City of Fresno
Development & Resource Management Dept.
Community Revitalization Division

Richard Salinas
Sr. Community Revitalization Specialist

TNP:ns [63482ns/tnp]

CITY ATTORNEY
CITY HALL
FRESNO, CA 93721

THE WALZ CERTIFIED MAILER™

FROM **WALZ** ™

U.S. PAT. NO. 5,501,393

Label #1

Label #2

Label #3

TEAR ALONG THIS LINE

TO: MICHAEL & VINCENZA OCCHIONERO
757 LAVERNE AVE
CLOVIS CA 93611

2013 DEC 13 PM 2:21

SENDER: City of Fresno/RES/JEB

REFERENCE: Notice of Inspection & Abatement Warrant for 2680 N. Miami

PS Form 3800, January 2005

RETURN RECEIPT SERVICE		
	Postage	0.46
	Certified Fee	3.10
	Return Receipt Fee	2.55
	Restricted Delivery	0.00
	Total Postage & Fees	6.11

USPS®
Receipt for Certified Mail™
No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

A FOLD AND TEAR THIS WAY ⟶ OPTIONAL

B

Label #5

Charge Amount:

Charge To:

Label #4

FOLD AND TEAR THIS WAY ⟶

Label #6

2. Article Number

7196 9008 9111 1167 6889

3. Service Type **CERTIFIED MAIL™**

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

1. Article Addressed to:

MICHAEL & VINCENZA OCCHIONERO
757 LAVERNE AVE
CLOVIS CA 93611

RECEIVED
DEC 0 4 2013

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery 12/3/13

C. Signature

X Vin Occhionero ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Reference Information

RES/JEB

Inspection & Abatement Warrant for
2680 N. Miami res/jeb

PS Form 3811, January 2005 Domestic Return Receipt

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO

STATE OF CALIFORNIA COUNTY OF FRESNO	Case No.: _____ **DECLARATION OF RICHARD SALINAS IN SUPPORT OF REQUEST FOR EXTENSION OR RENEWAL OF INSPECTION/ ABATEMENT WARRANT FOR 2680 N. MIAMI AVENUE, FRESNO, CALIFORNIA**

I, RICHARD SALINAS, declare as follows:

1. I am currently employed by the City of Fresno (hereafter the "City") as a Senior Community Revitalization Specialist with the Community Revitalization Division (formerly known as the Code Enforcement Division), Development and Resource Management Department. I have been employed in this capacity since May 2011. I have been employed in a similar capacity since October 2003. The facts contained in this declaration are based upon my personal knowledge and the review of the files and records relating to this matter. If called upon to testify to the facts contained herein, I would and could competently do so.

2. I am familiar with the property located at 2680 N. Miami, Fresno, California, 93727, which is also identified under Fresno County Assessor's parcel number 496-217-09 ("Subject Property").

3. I checked the current County Assessor's Records which are available via the "Naviline" computer database utilized by the City of Fresno. The current owners of record for the Subject Property are Michael and Vincenza Occhionero ("Property Owners"). The address of record for the Property Owners is 757 Laverne Avenue, Clovis, California 93611.

4. On November 21, 2013, based upon the Declaration of Richard Salinas, and other documents submitted by the City, the Court issued a forced entry inspection and abatement warrant relating to the Subject Property (hereafter the "Warrant"). (A true and correct copy of the Warrant and Declaration of Richard Salinas is attached hereto as Exhibit "A").

5. The Warrant was signed and issued by this Court late in the day on Thursday, November 21, 2013, which was prior to Thanksgiving week. The City did not execute the Warrant during the week of Thanksgiving because many City personnel were unavailable.

6. On Monday, December 2, 2013, the City posted a 24 hour notice of the execution of the Warrant. The Warrant was posted at each entrance of the Subject Property indicating that the Warrant would be executed on December 3, 2013, at 9:30 a.m.

7. In order to minimize the abatement costs, the City arranged to have its Solid Waste Division perform the actual abatement of the materials from the Subject Property which were the source of the public nuisance.

8. On December 3, 2013, City inspectors arrived at the Subject Property and met with the Property Owner, his attorney and his Architect. City inspectors, along with personnel from the Police Department, Fire Department and City's Solid Waste Division were allowed to enter on to the property. City Inspectors re-confirmed that there were unauthorized materials stored on the Subject Property. These materials, were not only unauthorized materials but also were improperly stored as set forth in the approved Site Plan and Site Plan Revision ("Site Plan") for the Subject Property.

9. For the first time on December 3, 2013, City inspectors discovered that the amount and variety of materials situated on the property, in addition to the manner in which these materials were stored, presented a significant impediment to the safe, orderly and efficient abatement of the materials from the Subject Property.

10. On December 3, 2013, I was advised by Siu Vang of the City's Solid Waste Division that the manner in which items were stored on the Subject Property posed a threat to the safety of City employees who had been organized to perform the abatement. These materials were

stacked high with heavy, jagged and sharp metal items precariously placed on top of the piles such that they posed a safety threat. (A true and correct copy of the photographs taken at the subject property is attached hereto as Exhibit "B").

11. On December 3, 2013, Siu Vang, advised me the materials stored on the Subject Property were more mixed and densely compacted than was previously known or anticipated by the City. In addition to the safety issue previously noted, Siu Vang advised me that the City's Solid Waste Division would need more personnel and equipment in order to safely and effectively abate the materials from Subject Property.

12. Siu Vang advised me that his manager would have to assess the newly recognized need for more personnel and equipment before authorizing the City's Solid Waste Division to move forward with an abatement effort. However, the Solid Waste Division manager has been away at a conference and will not return to work until Thursday, December 5, 2013.

13. On December 3, 2013, while City Inspectors were at the Subject Property, the Property Owner's attorney requested more time to comply with Site Plans conditions. I advised the attorney and the Property Owner that we would afford them two more days to make a good faith showing of compliance with their Site Plan. This accommodation was made in light of the newly discovered need to reassess the logistical requirements for the abatement.

14. On December 4, 2013, City Inspector George Valdes advised me the Property Owner continues to store additional items at the Subject Property rather than removing items.

15. The earliest time the City can arrange for an abatement crew to begin the abatement is the week of December 9, 2013. The abatement is estimated to take a minimum of three days pending no delays for inclement weather.

16. The Warrant issued by the Court on November 21, 2013, expires on December 5, 2013.

17. The basis for the request and issuance of the original Warrant has not changed. In reality, the amount of the illegally-stored materials on the Subject Property has increased as has the difficulty to remove the materials.

18. Based upon the above stated facts, the City requests the court to extend the Warrant for an additional 14 days with the same conditions previously placed on the Warrant. Alternatively, the City requests the court renew the Warrant with the same conditions previously allowed.

19. The Property Owners have consistently denied access to the Subject Property without an inspection and or abatement warrant. The Property Owners brought additional materials onto Subject Property since the City's December 3, 2013 inspection rather than reducing the stored material in blatant disregard on the Site Plan and City's request. History has shown that Property Owner will not allow the City to enter on to the Subject Property and abate the nuisances without a forced entry warrant in hand.

20. I am informed and believe that absent an inspection and abatement warrant the Property Owners will not voluntarily consent to the inspection or abatement order thus causing undue delay, and expenditure of judicial resources.

21. For these reasons I request the court extend or renew the Warrant to inspect, abate, store and secure materials for an additional 14 using forcible entry, if necessary.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and as to those matters stated upon information and belief, I believe them to be true; and that this declaration was executed on December 5, 2013.

Richard Salinas
Senior Community Revitalization Specialist
Community Revitalization Specialist

Subscribed and sworn to before me this 5 day of December, 2013.

Judge of the Superior Court

TNP:ns [63481ns/rsb]

EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

STATE OF CALIFORNIA COUNTY OF FRESNO	Case No.: _____ **INSPECTION & ABATEMENT WARRANT FOR 2680 N MIAMI AVENUE, FRESNO, CALIFORNIA**

To the People of the State of California, any Code Enforcement Officer of the City of Fresno, any Police Officer, Animal Control Officer, Building Official, Planning Official or Fire Official of the City of Fresno, or any contractor hired by the City of Fresno:

UPON GOOD CAUSE SHOWN TO THE COURT by declaration of Richard Salinas, City of Fresno, Senior Community Revitalization Specialist, and it appearing that there is cause for believing that there exists violations on the property located at 2680 N. MIAMI AVENUE, Assessor's Parcel Number (APN 496-217-09).

THAT THERE EXIST VIOLATIONS OF:

1. Fresno Municipal Code Section 10-605(j) and (l); Storing unapproved items, and storing approved items in manner that is inconsistent with the conditions of approval under Site Plan No. S-11-057.

2. Fresno Municipal Code Section 12-306.I.1.a, b, d; Relinquishment, reduction, or alteration of the parking areas or parking space, including the driveways designated by the Site Plan.

3. Fresno Municipal Code Section 12-411.A and B.; The Business Owner and Property Owner failed to comply with the conditions of approval under the Site Plan.

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CITY ATTORNEY
CITY HALL

AT THE PREMISES LOCATED ON:

2680 N. Miami Avenue in the City of Fresno ("Subject Property"),

Assessor's Parcel Number 496-217-09;

YOU ARE HEREBY COMMANDED AND AUTHORIZED under authority of FMC Sections 10-604(b), 10-606, 10-607, 10-608, and 10-616 to enter and (1) **inspect** the premises of the Subject Property including an area enclosed by a locked fence; (2) **abate** the conditions constituting the violations listed above, including removal of any rubbish or junk located throughout the property; and (3) **situate and store** the commodities currently on the Subject Property that do not comply with approved Site Plans S-96-76 and S-11-057 in containers and bins for a period of up to 90 days.

THE INSPECTION AND ABATEMENT SHALL be made pursuant to Code of Civil Procedure Section 1822.56. This inspection shall be conducted any day between 8:00 a.m. and 6:00 p.m., within fourteen (14) days from the date of this Warrant and after making the inspection you are directed to make a return to this court according to Section 1822.55 of the Code of Civil Procedure.

Sufficient cause X **has** / ___ **has not** been shown for execution of the warrant in the absence of the Property Owner.

Sufficient cause X **has** / ___ **has not** been shown for execution of the warrant by means of forcible entry.

Sufficient cause ___ **has** / X **has not** been shown for waiver of at least 24 hours' notice to the Property Owner prior to execution of the warrant by personal service or by posting the property and by certified mail to the property owner. This warrant will be effective from the date hereto for a period not to exceed fourteen (14) days and shall be returned upon execution.

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City of Fresno Police Officers may be present at the time of execution of the warrant **for the purpose of keeping the peace.**

Given under my hand this day, November 21, 2013.

Judge of the Superior Court

Return: Inspection of the premises located at 2680 N. Miami Avenue, Fresno, California was conducted by the City of Fresno on November ___, 2013.

City of Fresno
Development & Resource Management Dept.
Community Revitalization Division

Richard Salinas
Sr. Community Revitalization Specialist

TNP:ns [63358ns/tnp]

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

STATE OF CALIFORNIA COUNTY OF FRESNO	Case No.: _____ **DECLARATION OF RICHARD SALINAS IN SUPPORT OF INSPECTION/ ABATEMENT WARRANT FOR 2680 N. MIAMI AVENUE, FRESNO, CALIFORNIA**

I, RICHARD SALINAS, declare as follows:

1. I am currently employed by the City of Fresno as a Senior Community Revitalization Specialist with the Community Revitalization Division (formerly known as the Code Enforcement Division), Development and Resource Management Department. I have been employed in this capacity since May 2011. I have been employed in a similar capacity since October 2003. The facts contained in this declaration are based upon my personal knowledge and the review of the files and records relating to this matter. If called upon to testify to the facts contained herein, I would and could competently do so.

2. I am familiar with the property located at 2680 N. Miami, Fresno, California, 93727, which is also identified under Fresno County Assessor's parcel number 496-217-09 ("Subject Property").

3. I checked the current County Assessor's Records which are available via the "Naviline" computer database utilized by the City of Fresno. The current owners of record for the Subject Property are Michael and Vincenza Occhionero ("Property Owners"). The address of record for the Property Owners is 757 Laverne Avenue, Clovis, California 93611.

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CITY ATTORNEY
CITY HALL

4. The Property Owners and anyone occupying the Subject Property are currently required to operate and maintain the Subject Property in a manner consistent with the conditions of approval as outlined in their approved "Site Plans" numbered S-96-76 and S-11-057. (Copies of the conditions of approval for the Site Plans are attached hereto as Exhibits "A" and "B".)

HISTORY OF VIOLATIONS

5. The City's Code Enforcement records reveal a history of violations of the Fresno Municipal Code at the Subject Property, including Public Nuisance and Zoning Ordinance violations as follows:

a. Initial Complaint and Inspection 2003: A proactive case was initiated by Israel Trejo at the request of Supervisor Larry Rader. The first inspection occurred on March 3, 2003. Photographs were taken at the time of inspection depicting improper materials located throughout the property including, but not limited to refuse, vehicle parts, scrap metal, carpet pads, cardboard, and foam for beds.

b. First Code Enforcement Inspections 2003: Prior to conducting the first onsite inspection, City of Fresno Code Enforcement determined that the Subject Property had a Site Plan (S-96-76). Among other things, the Site Plan limited outside baled storage on the Subject Property to specific areas. No storage was allowed in the designated parking area or in the loading zone area. Outside and inside storage was permitted with height and distance limitations imposed as follows:

1. No storage is allowed from 0 to 3 feet of the property line

2. Storage is limited to 6 feet in height from 3 and 10 feet of the property line.

3. Storage height is limited to 20 and must be 10 feet from the property line.

4. Inside storage is limited to a maximum of 6 feet in height without automatic sprinklers.

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c. City Inspections During 2003: The City conducted eight inspections, issued four administrative citations and conducted one abatement action. The Fresno Fire Department conducted five inspections during this same period.

d. Prior Inspection/Abatement Warrant: The City obtained an Inspection/Abatement Warrant on November 26, 2003, after the Fire Department confirmed that Article 81 of the California Fire Code classifies foam products as high hazard commodities which are treated similar to tires. Because of the highly toxic and dense smoke created by foam during a fire, storage height is limited by the Fire Code to 6 feet in buildings without sprinklers. The building on the Subject Property has no sprinklers.

e. Execution of the 2003 Inspection/Abatement Warrant: On December 8, 9 and 10, 2003, the Code Enforcement Division and the Fire Department executed the Inspection/Abatement Warrant on the Subject Property. During the execution of the inspection warrant, the Fire Department determined that the type of materials and the manner in which these materials were stored inside and outside the building, constituted an imminent threat to health and safety. The imminent threat was abated by the City.

f. Issuance of the Notice and Order on April 2, 2004: A Notice and Order was issued to the Property Owners to correct the violations of the Site Plan for the Subject Property. The Notice and Order required that the land be used only in a manner that is consistent with conditions of approval under Site Plan S-96-76.

g. Administrative Appeal of the Notice and Order: On August 10, 2004, an appeal of the April 2, 2004 Notice and Order was held before the independent Hearing Officer, who upheld the Notice and Order.

h. Follow-up Inspections 2006: The Code Enforcement Division conducted four inspections of the Subject Property. Inspectors observed cardboard and large amounts of foam padding, carpet, and miscellaneous items located throughout designated parking area in violation of the Site Plan. Foam padding was stacked all the way to the ceiling in the building also in violation of the Site Plan.

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i. Execution of June 29, 2006, Inspection Warrant: An inspection warrant was executed by Code Enforcement and the Fire Department. During execution of the inspection warrant, items were observed to be stacked in the area designated for parking in violation of the Site Plan. Polyurethane foam padding remained stored to the ceiling inside the building on the Subject Property.

j. Follow-up Inspections 2007: The Code Enforcement Division conducted two inspections of the Subject Property, and observed the same violations in previous inspections.

k. Follow-up Inspections 2008: The Code Enforcement Division conducted two inspections of the Subject Property, and observed the same violations in previous inspections.

l. Follow-up Inspections 2009: The Code Enforcement Division conducted four inspections of the Subject Property, and observed the same violations in previous inspections.

m. Notice and Order Issued in 2009: The City issued a Notice and Order addressing the issues relating to the failure of the Property Owner to comply with the conditions of approval under the Site Plan. This order was appealed by the Property Owner.

n. Appeal Hearing 2011: The hearing of the appeal regarding the 2009 Notice and Order was held. The Notice and Order was upheld by the Independent Hearing Officer. The Property Owner was ordered to comply with the conditions of approval under the Site Plan. The Property Owner filed a writ of administrative mandamus.

o. Withdrawal of the Administrative Order: On September 22, 2011, Code Enforcement Division Manager, Bruce Hartman, agreed to consider the Independent Hearing Officer's decision withdrawn and void. The Property Owner withdrew the writ after Mr. Hartman agreed to void the decision of the Independent Hearing Officer regarding the Notice and Order issued in 2009.

p. Modification of the Site Plan S-96-76 / Major Revised Exhibit to the Site Plan: On October 28, 2011, the City approved a Major Revised Exhibit to the existing Site

Plan under entitlement number S-11-057. This Revised Exhibit allowed for a reduction in the number of parking spaces and also allowed additional outdoor storage. No modifications were made to the conditions of approval under S-96-76 as to the interior of the building on the Subject Property.

q. Most Recent Complaint: On November 2, 2012, the Community Revitalization Division received a complaint from Captain Reggie Zellous of the Fresno Fire Department who complained of the over height storage of foam rubber / carpet padding at the subject property. Captain Zellous considered this to be a fire hazard.

r. Assignment of Case to Community Revitalization Specialist: On November 5, 2012, the case was assigned to Inspector Elisania Harrison. No code enforcement action was taken by this inspector.

s. Re-Assignment of Case: On September 19, 2013, the case was re-assigned to Inspector Chris Montelongo.

t. Most Recent Code Enforcement Action Taken: On September 24, 2013, Inspector Montelongo and I conducted entitlement research for the Subject Property. Among other things, the exhibit for the Amended Site Plan was found to have no approval signature on it. Planning Manager, Mike Sanchez, was consulted since he processed the Amended Site Plan review. Mr. Sanchez advised that the architect for the project should be consulted to determine whether a corrected exhibit was required. Several voicemails were left for the architect without a return call as of October 7, 2013. It should be noted that the exhibit in the entitlement file contained no redlining.

u. First of the Most Recent Inspections: On October 2, 2013, a drive-by inspection was conducted by Inspector Montelongo and I. The landscaping was not maintained and there were various items, including scrap metal, foam rubber, appliances and other items stored in a manner not approved under the Amended Site Plan.

v. Re-Inspection: On October 2, 2013, I conducted a drive-by inspection and found the conditions noted on the prior inspection had not changed.

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w. Re-Inspection: On October 7, 2013, a drive-by inspection was conducted by Inspector Montelongo and I. The landscaping was not maintained and there were various items, including scrap metal, foam rubber, appliances and other items stored in a manner not approved under the Amended Site Plan. All entrances to the Subject Property were blocked by items stored at every point of ingress and egress which violated the conditions of approval under the Amended Site Plan.

x. Request to Inspect Letter Issued: On October 8, 2013, a request to inspect letter was issued, requesting consent to inspect the Subject Property on October 16, 2013, at 10:00 a.m. (Attached as Exhibit "C" is a copy of the Request to Inspect letter dated October 8, 2013.)

y. Re-Inspection: On October 16, 2013, at 10:00 a.m., Inspector Montelongo and I, accompanied by Police Detective Jaime Campos and Fire Prevention Inspector II, Mark Guardado, attempted to inspect the subject property. At that time, I spoke with the Property Owner, Michael Occhionero as well as to his son, Greg Occhionero. Both Michael and Greg Occhionero informed us that we would not be allowed to inspect the Subject Property. The Property Owner informed us that he had hired an attorney who had supposedly sent a letter requesting a different inspection date. Neither Mr. Montelongo or I have not received a letter requesting a different inspection date from Brian Leighton, attorney for the Property Owners.

z. Despite the Property Owner's refusal to allow an inspection of the Subject Property, including the building on the property, we were able to observe the outside area of the Subject Property. We observed the following at the Subject Property: (1) Numerous items were stored against the property lines on the east and south sides of the property; (2) Numerous items were stored above the height of the perimeter fence; (3) All three driveways were obstructed by stored items; (4) All ingress and egress lanes were blocked by stored items; and (5) Items were stored up against the building he Subject Property. Many of the stored items we observed, including, but not limited to scrap metal, computers, appliances, a barbecue pit, and furniture are not approved under the Site Plans for the

Subject Property. Furthermore, all required parking stalls, including the designated handicap parking stalls, were obstructed and relinquished by the items being stored on the Subject Property in violation of the Site Plan.

aa. Notice and Order Issued October 24, 2013: A Notice and Order was issued to the Property Owners. The Notice and Order was sent to the address of record for the Property Owner, copied to the Subject Property address and Posted on the Subject Property. The Notice and Order required that the violations noted therein be removed in a lawful manner by November 13, 2013. A true and correct copy of the October 24, 2013, Notice and Order is attached hereto as Exhibit "D". The order addressed the following Fresno Municipal Code Violations:

1. There are materials stored throughout the property which are not approved under Site Plan No. S-11-057, including but not limited to scrap metal, appliances, bed frames, televisions and other electronic devices. There are materials stored in unapproved areas as well, including, but not limited to, the driveways and ingress and egress lanes, as well as in the required parking stalls; and areas immediately next to the building on the property. Items are also being stored beyond the height of the fence surrounding the property.

Storing unapproved items and storing approved items in a manner that is inconsistent with the conditions of approval under Site Plan No. S-11-057 is a violation of the Fresno Municipal Code. Failure to comply with the conditions of approval under Site Plan No. S-11-057 is a violation of Fresno Municipal Code Sections 12-411.A & B. (Zoning Ordinance Violations). This also violates Fresno Municipal Code Sections 10-605.j & .l (Public Nuisance Ordinance Violations).

2. The Property Owner has relinquished the parking stalls required under the Conditions of Approval under Site Plan No. S-11-057, by storing various materials in the areas designated for required parking and for accessing the required parking stalls on the Subject Property. Relinquishment, reduction, or alteration of the parking areas or parking spaces, including the driveways

designated on the Site Plan for the Subject Property is a violation of Fresno Municipal Code Sections. 12-306.I.1.a, b, d; 12-411.A. & B.; and 10-605.j & l.

3. The landscaping on the property is not being maintained. The Property Owners have failed to comply with the conditions of approval under Site Plan No. S-11-057 by not maintaining the landscaping on the Subject Property. Failure to comply with the conditions of approval under Site Plan No. S-11-057 is a violation of Fresno Municipal Code Sections 12-411.A & B. (Zoning Ordinance Violations). This also violates Fresno Municipal Code Section 10-605.j & .l (Public Nuisance Ordinance Violations).

4. The business owner and Property Owners have maintained a public nuisance at the subject property by failing to comply with the conditions of approval under Site Plan No. S-11-057. This is a violation of the Fresno Municipal Code Sections 12-411.A & B.

bb. Email Report from Fire Inspector II, Mark Guardado: On October 28, 2013, I received an email report from Fire Inspector Guardado relating to the October 16, 2013, perimeter inspection of the Subject Property. A true and correct copy of the October 28, 2013, email is attached hereto as Exhibit "E". Fire Inspector Guardado reported the following Fire Code issues:

> *The violations that could be seen on Wednesday, October 16, 2013, from outside the fence were as follows:*
>
> *All storage within three (3) feet of property line, is limited to six (6) feet in height. The piles on the East side of the property against the fence/property line were well over the six foot limit.*
>
> *Must maintain a five (5) foot fire access around the building, and from the gate to the building. This is not being maintained, the piles are up against the building, both in front and in back of the building.*

cc. Re-Inspection on November 6, 2013: Inspector Montelongo and I performed another drive-by inspection of the Subject Property and found that the conditions at the Subject Property were substantially unchanged.

dd. Communication with Property Owner's Attorney on November 6, 2013: I spoke with Bryan Leighton, Attorney for the Property Owners. Mr. Leighton requested a copy of the exhibit to Site Plan No. S-11-057, and I emailed a copy to him that same day. I also related our request for a full inspection of the subject property. Mr. Leighton stated that he would be consulting with his clients, who were out of town. Mr. Leighton stated that he would contact me regarding an agreeable inspection date, allowing full access to the property, including the interior of the building, as soon as possible. As of November 19, 2013, Mr. Leighton has not contacted me regarding an inspection date.

ee. Re-Inspection on November 14, 2013: Inspector Montelongo and I performed another drive-by inspection of the Subject Property and found that the conditions at the Subject Property were substantially unchanged.

ff. Re-Inspection on November 20, 2013: Inspector Montelongo and I performed another drive-by inspection of the Subject Property and found that the conditions at the Subject Property were substantially unchanged. At the time of our inspection, the warehouse door on the northeast side of the building was open. Inspector Montelongo and I could see into the building and witnessed materials such as carpet padding stacked higher than six feet. This would be a violation of the Fire Code and Site Plan for the Subject Property.

gg. Effect of Failure to Comply with, and the Failure to File an Appeal of the Notice and Order Dated October 24, 2013: Pursuant to Fresno Municipal Code Sections 10-615 & 10-616, the Notice and Order issued on October 24, 2013, is now a Final Order and the City has the right to, administratively abate the nuisances addressed under the notice an order by removing the public nuisance at the expense of the responsible party.

6. Based upon the information above, I am informed and believe that there are further violations of the Fresno Municipal Code on the Subject Property, including both the exterior and the

interior of the building on the Subject Property. More specifically, I am informed and believe, based upon the above, as well as my own knowledge of the history of the Subject Property that there are violations of Site Plan No. S-96-76 which include, storage exceeding 6 feet in height inside the building on the Subject Property which has no sprinklers, no water service to the property, or other fire suppression or fire mitigation measures in place.

7. Administrative abatement of the nuisances on the Subject Property is authorized pursuant to Fresno Municipal Code Sections 10-615 and 10-616. Along with the abatement of the nuisances on the exterior of the Subject Property, inspection of the building on the Subject Property and abatement of the nuisances therein is also necessary.

8. The extent of the abatement action would be to abate the nuisances on the Subject Property by removing and or situating the commodities currently on the Subject Property, such that the type of commodities and the manner in which they are stored on the Subject Property comply with approved Site Plans S-96-76, and S-11-057.

9. The Property Owners have consistently denied access to the Subject Property without an inspection and or abatement warrant. The Property Owners and their son Greg Occhionero have been belligerent and combative on several occasions, including several occasions where Greg Occhionero chased City inspectors in his vehicle.

10. I am informed and believe that should the inspection and abatement warrant be granted, that the Property Owners will not voluntarily consent to the inspection or abatement order

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from the Court and there will be undue delay, as well as undue expenditure of judicial resources if a forced entry inspection and abatement warrant is not granted.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and as to those matters stated upon information and belief, I believe them to be true; and that this declaration was executed on November 21, 2013.

Richard Salinas
Senior Community Revitalization Specialist
Community Revitalization Specialist

Subscribed and sworn to before me this 4 day of November 2013.

Judge of the Superior Court

TNP:ns [63367ns/tnp]

City of
FRESNO
2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(209) 498-1591 FAX (209) 498-1012

Development Department
Alvin P. Solis, AICP
Director

June 7, 1996

Please reply to:
Stan Dilbeck
(209) 498-4452

Michael & Vincenza Occhionero
757 Laverine
Clovis, California 93611

Dear Messrs. Occhionero:

SUBJECT: APPLICATION NO. S-96-76 TO AUTHORIZE CONSTRUCTION OF A 5,000 SQUARE FOOT OFFICE/WAREHOUSE LOCATED AT 2680 NORTH MIAMI AVENUE

This is to inform you that the above application has been assigned to Stan Dilbeck.

The application will be reviewed for compliance with the applicable provisions of the Zoning Ordinance, adopted City standards, and with applicable plans and policies. An environmental assessment is also being conducted in compliance with the California Environmental Quality Act.

You will receive written notice of the Development Director's action regarding the project, including conditions of approval, and notations and corrections to submitted plans. You will also be notified of the results of the environmental review.

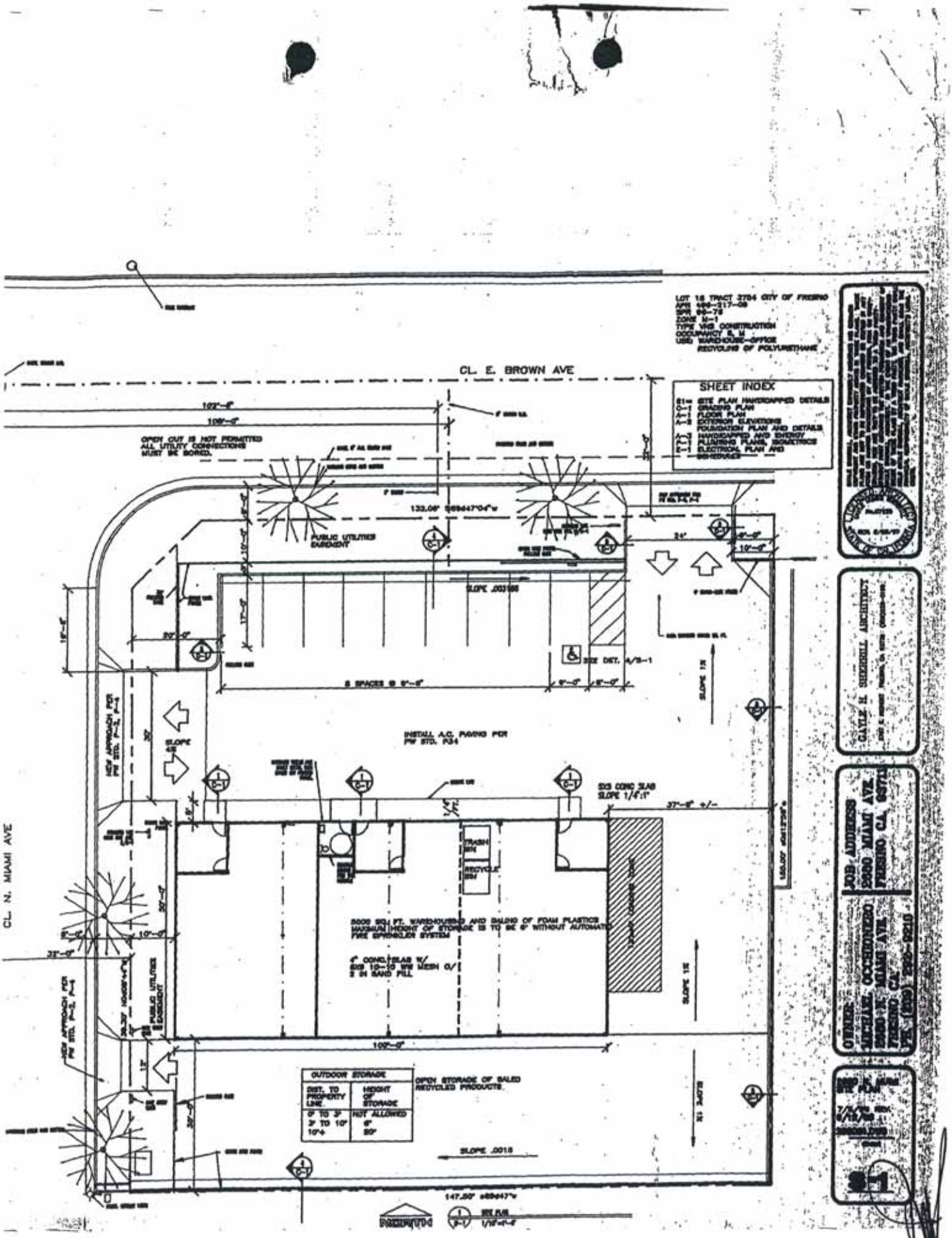
You may also request a public hearing before the Fresno City Planning Commission within a 15-day appeal period following the Development Director's action regarding the proposed project. If no appeal is filed, final approval of the project becomes effective at the end of the appeal period.

If you have any questions on this project, please call Stan Dilbeck at 498-4452. If he is not in the office, please leave a message on his voice mail and your call will be promptly returned.

Sincerely,

Alvin Solis
Director

c: Mark T. Chin



LOT 18 TRACT 3704 CITY OF FRESNO
APN 466-217-08
SPR 96-78
ZONE M-1
TYPE VNS CONSTRUCTION
OCCUPANCY S, M
USE: WAREHOUSE-OFFICE
RECYCLING OF POLYURETHANE
CL. E. BROWN AVE
SHEET INDEX
S1 SITE PLAN HANDICAPPED DETAILS
C-1 GRADING PLAN
A-1 FLOOR PLAN
A-2 EXTERIOR ELEVATIONS FOUNDATION PLAN AND DETAILS
A-3 HANDICAPPED AND ENERGY
P-1 PLUMBING PLANS, ISOMETRICS
E-1 ELECTRICAL PLAN AND SCHEDULES
102'-6"
100'-0"
OPEN CUT IS NOT PERMITTED ALL UTILITY CONNECTIONS MUST BE BORED.
132.06' S89d47'04"W
PUBLIC UTILITIES EASEMENT
SLOPE .003166
8 SPACES @ 9'-6"
SLOPE 1%
INSTALL A.C. PAVING PER PW STD. P34
SLOPE 4%
NEW APPROACH PER PW STD. P-2, P-4
SX5 CONC SLAB SLOPE 1/4":1"
37'-6" +/-
TRASH BIN
RECYCLE BIN
CL. N. MIAMI AVE
5000 SQ. FT. WAREHOUSING AND BALING OF FOAM PLASTICS MAXIMUM HEIGHT OF STORAGE IS TO BE 6' WITHOUT AUTOMATIC FIRE SPRINKLER SYSTEM
4" CONC. SLAB W/ SX5 10-10 WW MESH O/ 2 IN SAND FILL
SLOPE 1%
100'-0"
OUTDOOR STORAGE
DIST. TO PROPERTY LINE
HEIGHT OF STORAGE
0' TO 3' NOT ALLOWED
3' TO 10' 6'
10'+ 20'
OPEN STORAGE OF SALED RECYCLED PRODUCTS
SLOPE .0015
147.50' S89d47'W
NORTH
SITE PLAN
GAYLE H. SHERRILL ARCHITECT
JOB ADDRESS
2650 MIAMI AVE.
FRESNO, CA. 93711
OWNER:
MICHAEL OCCHIONERO
2650 N. MIAMI AVE.
FRESNO CA.
PH. (209) 292-9210
S-1

EXHIBIT B

City of
FRESNO

Development & Resource Management Department

2600 Fresno Street Room 3034
Fresno, California 93721-3604
(559) 621-8277 FAX (559) 488-1020

John M. Dugan, AICP
Director

October 28, 2011

Please reply to:
Mike Sanchez
(559) 621-8040

Paul Saito
2904 North Blackstone Avenue #A
Fresno, CA 93703

SUBJECT: SITE PLAN REVIEW APPLICATION NO. S-11-057 A MAJOR REVISED EXHIBIT FOR PROPERTY LOCATED AT 2680 MIAMI AVENUE AUTHORIZING AN INDOOR OUTDOOR STOAGE FACILITY. (APN: 496-217-09)

Dear Applicant:

The Planning and Development Department Director on October 28, 2011, approved the above application subject to the conditions of approval listed below. Site Plan Review Application No. S-11-057 has been reviewed under the provisions of the Zoning Ordinance. This application authorizes the operation of an indoor/outdoor storage facility for polyurethane products for future recycling purposes. The operation will also have limited storage area for other recyclable materials. No other new development or expansion of the floor area was included with this request.

CONDITIONS OF APPROVAL

1. Development shall take place in accordance with Exhibits A, dated October 28, 2011.

2. The exercise of rights granted by this special permit must be commenced by October 28, 2015 (four years from the date of approval). There is no extension.

This project is exempt under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines. No further environmental assessment will be needed at this time.

In the event you wish to appeal the Department's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the appellant believes the decision or action appealed should not be upheld. Appeals must be filed by November 11, 2011. If no appeal is filed you may obtain any necessary permits and proceed with the development of the project in accordance with the conditions noted above.

Should you need further assistance or have any questions, please call me at (559) 621-8040 or via e-mail at Mike.Sanchez@fresno.gov.

Sincerely,
PLANNING DIVISION

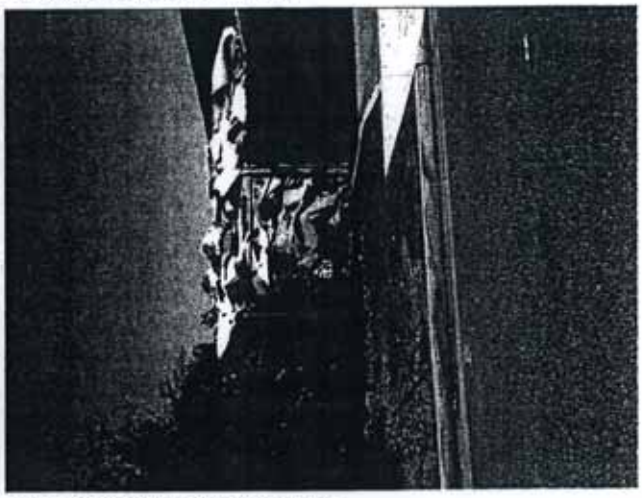
Mike Sanchez
Planning Manager

2680 N MIAMI AVE

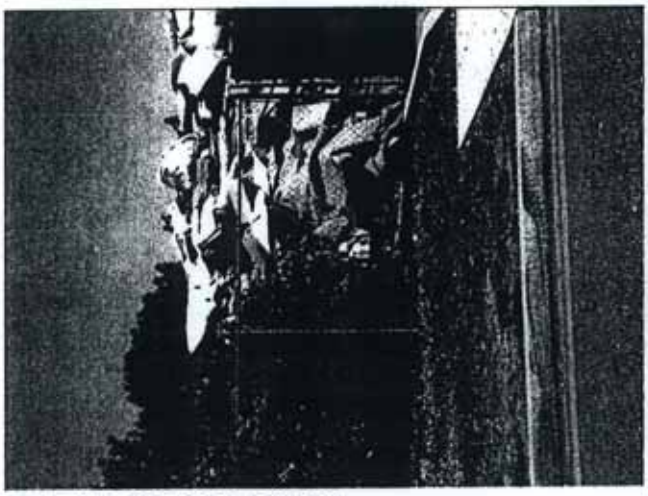
Case #: 12-00009059 APN: 496-217-09

Case Type: PNRV PN RUBBISH/JUNK/MISC ITEMS

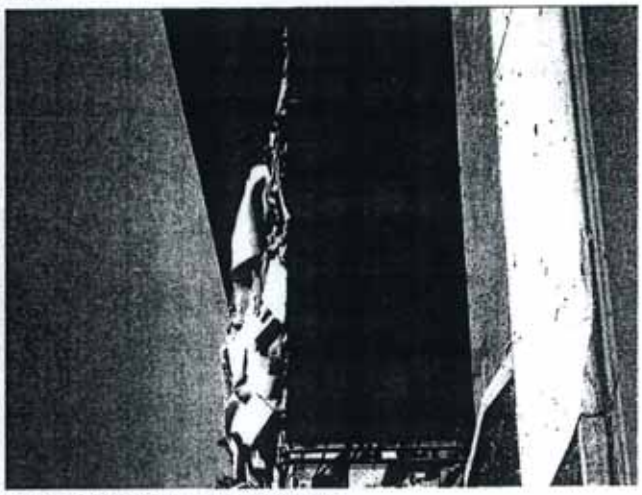
Date: 9/19/2013 2:06:54 PM
Foam products at northside of property. Photo taken facing southeast.



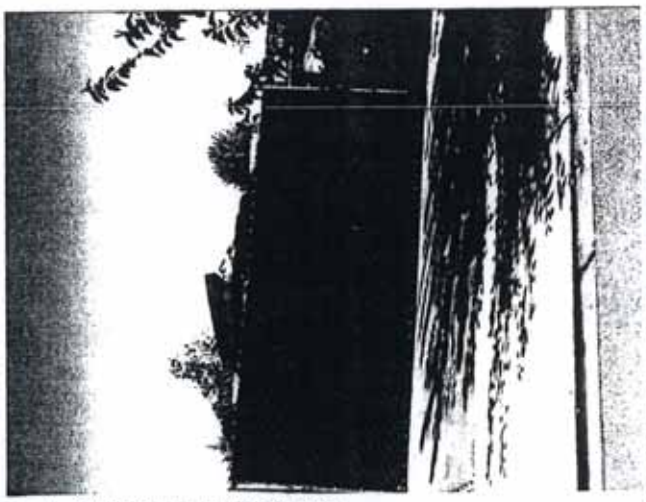
Date: 9/19/2013 2:07:04 PM
Foam products piled up exceeding height of fence at west side driveway area. Photo taken facing east.



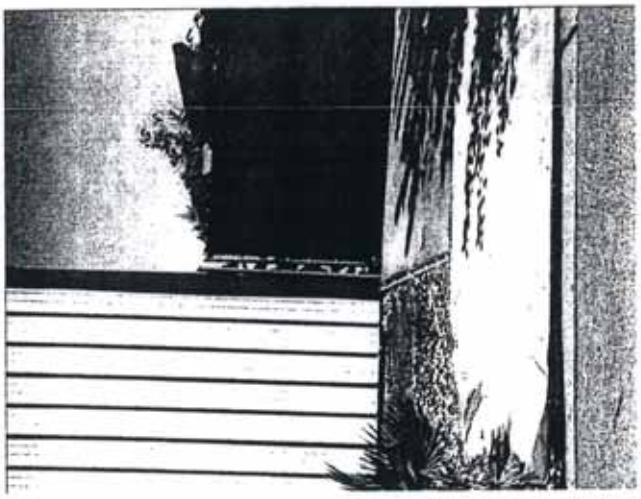
Date: 9/19/2013 2:07:08 PM
Foam products piled up exceeding height of fence at west side driveway area. Photo taken facing east.



Date: 9/19/2013 2:07:12 PM
Foam products piled up exceeding height of fence at west side driveway area. Photo taken facing east.



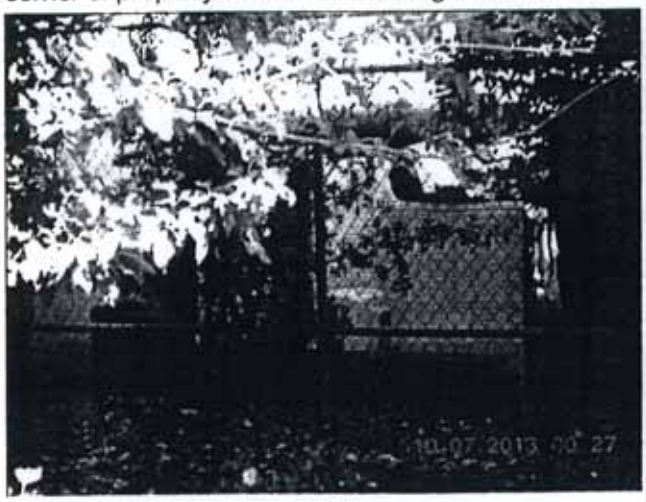
Date: 9/19/2013 2:07:29 PM
Storage materials near back building exceeding height of fence. Photo taken facing east.



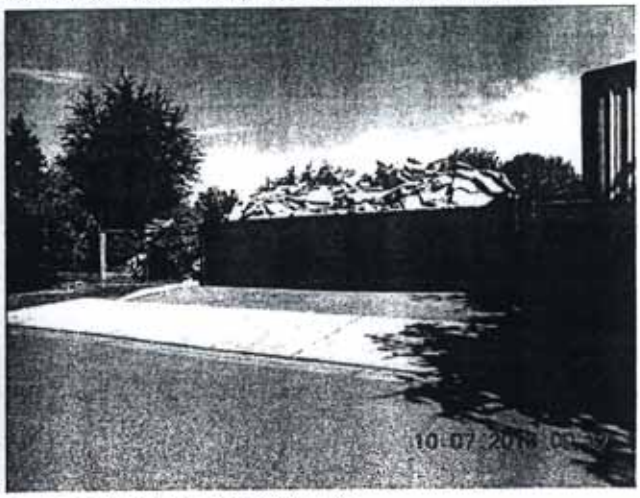
Date: 9/19/2013 2:07:31 PM
Storage materials near back building exceeding height of fence. Photo taken facing east.

Date: 10/7/2013 12:26:15 AM
Viewing pile of storage material at southwest corner of property. Photo taken facing east.

Date: 10/7/2013 12:26:26 AM
Close up of metals stored at top of pile at southwest corner of property. Photo facing east.



Date: 10/7/2013 12:27:08 AM
Viewing appliance (washer) along with what resembles computer monitors located at southwest corner of property. Photo taken facing east.



Date: 10/7/2013 12:27:40 AM
Large pile of material stored at west side of property near gate. Pile exceeds height of fence. Photo taken facing east.

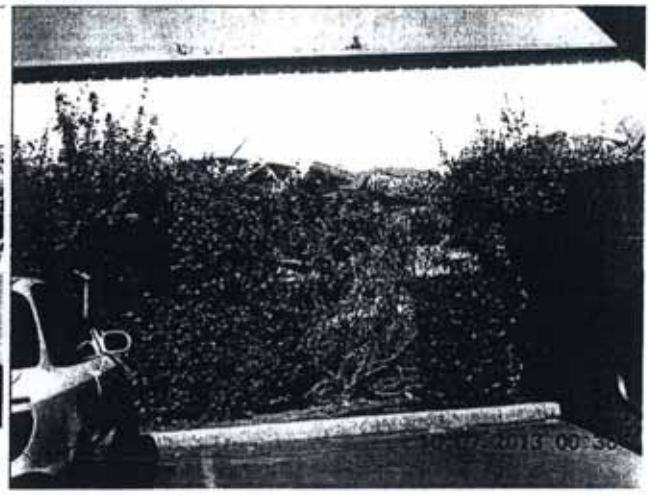
Date: 10/7/2013 12:27:55 AM
Landscape at north area of property not being maintained. Photo taken facing east.

Date: 10/7/2013 12:28:14 AM

Date: 10/7/2013 12:28:28 AM
Storage material including metal bin located at north area of property. Phot taken facing southeast.

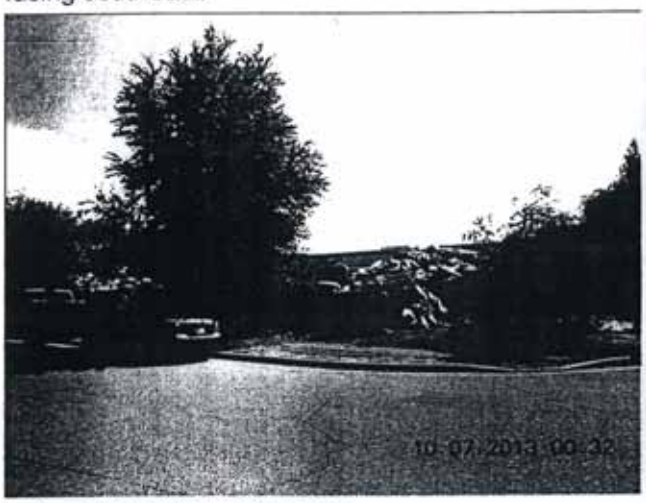
Date: 10/7/2013 12:28:45 AM
Piles of material stored at norteast corner of property at gate exceeding height of fence. Scrap metal can be seen at top of pile. Photo taken facing southeast.

Date: 10/7/2013 12:29:01 AM
Piles of material stored at norteast corner of property at gate exceeding height of fence. Scrap



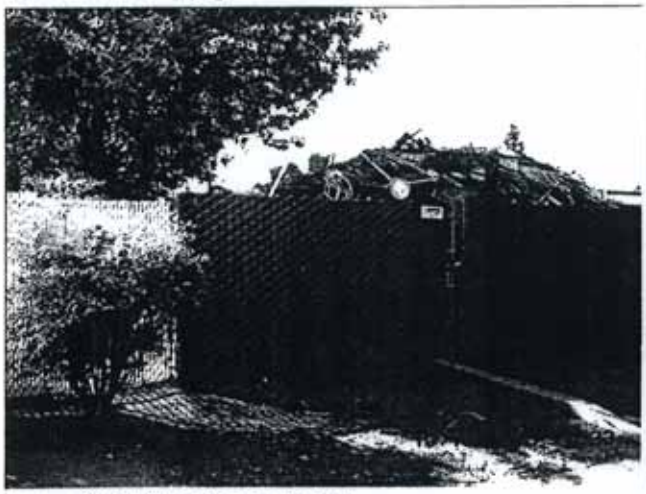
Date: 10/7/2013 12:30:36 AM
Storage of materials at south area of property. Photo taken facing north.

metal can be seen at top of pile. Photo taken facing southeast.



Date: 10/7/2013 12:32:25 AM
Wide view of northwest area of property showing large pile of materials exceeding height of fence. Photo taken facing southeast.

Date: 10/15/2013 9:32:18 PM
Reinsp. Pile of stored materials located at northeast corner of property.



Date: 10/15/2013 9:33:18 PM
Reinsp. Pile of stored materials located at northeast corner of property in front of driveway area.

Date: 10/15/2013 9:34:33 PM
Reinsp. Baled material stored along north area of property. Landscaping does not screen stored materials.

Date: 10/15/2013 9:35:00 PM

Date: 10/15/2013 9:35:36 PM

Reinsp. Stored materials along northwest corner of property.

Date: 10/15/2013 9:35:56 PM
Reinsp. Landscaping at northwest corner of property.

Reinsp. Viewing pile of stored materials at west side of property in front of gate entrance/exit area.

Date: 10/15/2013 9:36:19 PM
Reinsp. Landscaping at northwest corner of property.

Amended Site Plan

EXHIBIT C

City of
FRESNO

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

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

Call or Schedule an Appointment With:
Chris Montelongo at (559) 621-8403

October 08, 2013

Occhionero Michael & Vincenza
757 Laverne Ave
Clovis, CA 93611

SUBJECT: **REQUEST TO INSPECT PROPERTY**
ADDRESS: **2680 N Miami Ave**
APN: **496-217-09**

It has come to the attention of the Community Revitalization Division that there may be violations of the Fresno Municipal Code on your property located at the subject address, Including violations of the Zoning Ordinance and the Public Nuisance Ordinance.

The Community Revitalization Division is responsible for ensuring that all properties and buildings within the City are free of code violations.

City staff is requesting permission to enter your property to inspect. If no violations are found, the City will close its file on this matter. If violations are found, the Division will notice you of what needs to be done to correct the violations and give you reasonable time to make the corrections.

We are requesting that the inspection be scheduled for **October 16, 2013, at 10:00 a.m..** If there is a more convenient time, please contact the above named inspector immediately.

The City of Fresno requests that you notify the tenant(s) of the scheduled inspection and that entry onto the Property and the Building thereon will be required. Your cooperation in this matter will be appreciated.

Chris Montelongo
Community Revitalization Specialist

cjm

12-00009059
N6

EXHIBIT D

City of
FRESNO

FILE COPY

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

COMMUNITY REVITALIZATION
2600 FRESNO STREET, ROOM 3070
FRESNO, CA 93721
(559) 621-8403 FAX (559) 488-1078
www.fresno.gov

Call or Schedule an Appointment With:
Chris Montelongo at (559) 621- 8403

October 24, 2013

Occhionero Michael & Vincenza
757 Laverne Ave
Clovis, CA 93611

SUBJECT: **NOTICE AND ORDER**
ADDRESS: **2680 N Miami Ave**
APN: **496-217-09**

Enclosed is a Correction Notice and Order to remove the violations on the property of which you are the owner/responsible party. We are requiring that all listed violations be corrected and completed within the time frame noted in the attached Correction Notice and Order. Staff will reinspect to determine if corrections are in progress or have been completed.

It is very important that you clean-up, remove, repair, or cease unlawful use of said property within the specified time period. Failure to correct the violations within the time frame provided will result in further action by the City, including citations, administrative fees, abatement by the City, and/or legal action. If further action is required, you will be held responsible for the City's costs to enforce the code and/or abate the violations. Fees for the City's enforcement/abatement costs start at $447.00, which would not include any penalty or additional administrative fees that may be assessed against you. The City may collect costs either against the property through the imposition of liens and property tax assessments or as a personal debt collected through a collection agency or a lawsuit.

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, the notice and order may be recorded against the property in the Office of the County Recorder. When all corrections are made and complete, fees are paid, permits finalized (if required) and a termination fee paid, the Notice will be cleared with the Office of the County Recorder.

If you disagree with the requirements of the Notice and Order, you have the right to appeal pursuant to Fresno Municipal Code Section 10-608. You may file an appeal to the Hearing Officer pursuant to Article 4 of Chapter 1 of the Fresno Municipal Code, provided the appeal is received by the Hearing Officer within 15 days from the date 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. There is an Administrative Hearing Fee of $35 for residential units up to two, $55 for three or more units and $75 for commercial units. Please bring or send a check or money order with the appeal form. If payment is not included with the appeal form you will be billed. Please be advised that if the Notice and Order is upheld on appeal the City may recover enforcement costs including, but not limited to, costs incurred in investigating and defending the Notice and Order on appeal. Enforcement costs incurred by the City are recoverable even if the code violation(s) is corrected by the property owner/responsible party.

If you have any questions regarding this notice, please contact the inspector at the above referenced number. ***If you wish to speak with the inspector in person you must call and make an appointment.***

Chris Montelongo
Community Revitalization Specialist
Enclosure: Photo(s)
c: Tenant
cjm

12-00009059

CITY OF FRESNO
COMMUNITY REVITALIZATION

NOTICE AND ORDER CORRECTION NOTICE

REMOVE ALL MUNICIPAL CODE VIOLATION(S)

Address: 2680 N Miami Ave
APN: 496-217-09

Date: October 24, 2013
Case: 12-00009059

REQUIREMENTS PER THE FRESNO MUNICIPAL CODE:

1. There are materials stored throughout the property which are not approved under Site Plan No. S-11-057, including but not limited to scrap metal, appliances, bed frames, televisions and other electronic devices. There are materials stored in unapproved areas as well, including, but not limited to, the driveways and ingress and egress lanes, as well as in the required parking stalls; and areas immediately next to the building on the property. Items are also being stored beyond the height of the fence surrounding the property.

   Storing unapproved items, and storing approved items in a manner that is inconsistent with the conditions of approval under Site Plan No. S-11-057 is a violation of the Fresno Municipal Code. Failure to comply with the conditions of approval under Site Plan No. S-11-057 is a violation of Fresno Municipal Code (FMC) Sections 12-411.A & B. (Zoning Ordinance Violations). This also violates FMC Sections 10-605.j & .l (Public Nuisance Ordinance Violations)

   It shall be required that you remove all non-approved materials from the subject property and store all approved materials in a manner that complies with all conditions of approval under Site Plan No. S-11-057: (1) Items must be stored in a manner that maintains a minimum of 5ft clearance from the building (2) Materials shall not be located within 10 ft of a property line or may be stored 3ft from the property line if the storage height does not exceed 6ft in height (3) The maximum storage height for outdoor storage shall not exceed the height of the fence surrounding the property.

2. You have relinquished the parking stalls required under the Conditions of Approval under Site Plan No. 11-057, by storing various materials in the areas designated for required parking and for accessing the required parking stalls on the Subject Property. Relinquishment, reduction, or alteration of the parking areas or parking spaces, including the driveways designated on the Site Plan for the Subject Property is a violation of FMC Secs. 12-306.I.1.a, b, d; 12-411.A. & B.; and 10-605.j & l.

   It shall be required that you remove all materials occupying and or obstructing the required parking areas and ingress and egress lanes pursuant to the conditions of approval under Site Plan No. S-11-057.

Chris Montelongo
Community Revitalization Specialist

3. The landscaping on the property is not being maintained. You have failed to comply with the conditions of approval under Site Plan No. S-11-057 by not maintaining the landscaping on the Subject Property. Failure to comply with the conditions of approval under Site Plan No. S-11-057 is a violation of Fresno Municipal Code (FMC) Sections 12-411.A & B. (Zoning Ordinance Violations). This also violates FMC Section 10-605.j & .l (Public Nuisance Ordinance Violations)

   It shall be required that you maintain all landscaping pursuant to Site Plan No. S-11-057.

4. The business owner and property owners have maintained a public nuisance at the subject property by failing to comply with the conditions of approval under Site Plan No. S-11-057. This is a violation of the Fresno Municipal Code Sections 12-411.A & B which read:

   A. *VIOLATION OF CONDITION.* If any portion of a privilege authorized by the issuance of a special permit is utilized, all terms and conditions attached thereto shall immediately become effective and must be strictly complied with. The violation of any such term or condition shall constitute a nuisance and violation of this Zoning Ordinance and shall be subject to the same penalties as any other violation of this Code.

   B. *VIOLATION A NUISANCE.* Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the Fresno Municipal Code, and any use of land, building or premises established, conducted or operated or maintained contrary to the provisions of this Zoning Ordinance, and any violation of any condition of any permit or development entitlement issued under the authority of Chapter 12 shall be and the same is hereby declared to be unlawful and a public nuisance; and the matter may be abated or corrected by administrative citation, action by City forces, court process, or by the filing of a criminal action for violation of this Code; said remedies to be cumulative. In addition to any other remedies available in the Zoning Ordinance and the Code, violations may be remedied pursuant to City of Fresno Public Nuisance Abatement Ordinance (Chapter 10, Article 6).

DEADLINES:

All violations are to be removed by **November 13, 2013.**
Removal and/or disposal of violation(s) must be completed in a lawful manner.

IMPORTANT INFORMATION:
If you have any questions regarding this notice, ***please contact the inspector.*** ***If you wish to speak with the inspector in person you must call and make an appointment.***

Chris Montelongo
Community Revitalization Specialist

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On October 24, 2013, I caused to be served the foregoing documents described as Notice and Order on the interested parties to the within action by placing the original/a true copy thereof, enclosed in a sealed envelope, addressed as stated on the attached mailing list, as follows:

____ (BY CERTIFIED) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

_X_ (BY FIRST CLASS MAIL) I am "readily familiar" with the City's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully paid at Fresno, California in the ordinary course of business.

____ (BY PERSONAL SERVICE) I delivered such document by hand to the interested parties.

_X_ (BY POSTING) I posted the foregoing Notice and Order at the property located at:

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

Executed on October 24, 13, at Fresno, California.

Signature

Subject Address: 2680 N Miami Ave

Mailed To:

Tenant
2680 N. Miami
Fresno, CA 93727

Occhionero Michael & Vincenza
757 Laverne Ave
Clovis, CA 93611

12-00009059

EXHIBIT F

From: Mark Guardado
Sent: Monday, October 28, 2013 9:40 AM
To: Richard Salinas
Subject: 268 N. Miami

Good Morning Richard,

The violations that could be seen on Wednesday, October 16, 2013, from outside the fence were as follows:

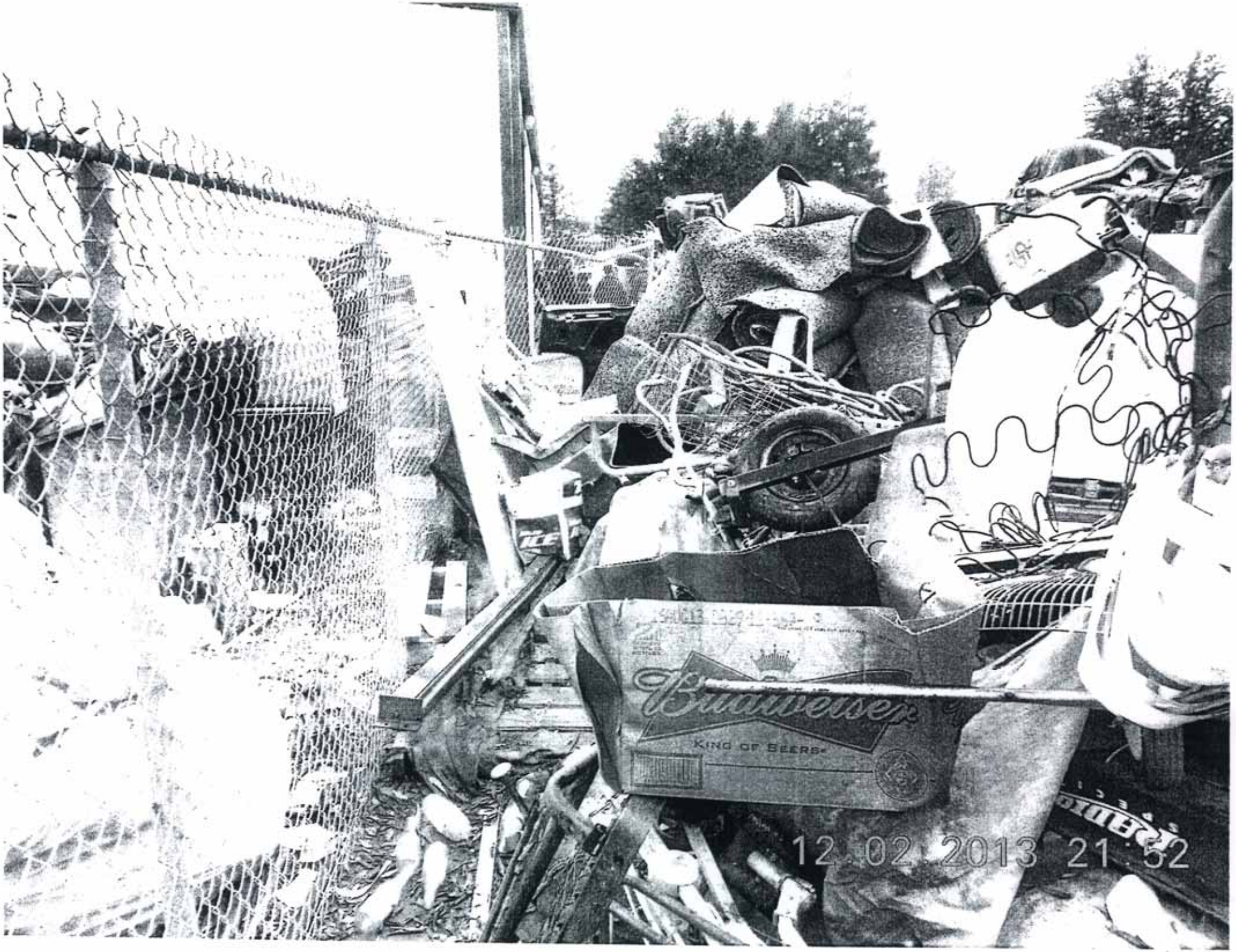
All storage within three(3) feet of property line, is limited to six(6) feet in height. The piles on the East side of the property against the fence/property line were well over the six foot limit.

Must maintain a five(5) foot fire access around the building, and from the gate to the building. This is not being maintained, the piles are up against the building, both in front and in back of the building.

Mark Guardado, Fire Prevention Inspector II
Fresno Fire Department
Community Risk Reduction Unit
911 'H' Street
Fresno, CA 93721
(559) 621-4045/Fax (559) 498-4323

Proudly serving the City of Fresno, North Central
and Fig Garden Fire Protection Districts.

EXHIBIT B


Budweiser
KING OF BEERS
12.02.2013 21:32

12 02 2013 21 49

12.02.2013 21

1875
500ml x 24
BOTTLES
12 02 2013 21 51

12 02 2013 21 47

ABATEMENT INVOICE

City of
FRESNO
DEPARTMENT

DEVELOPMENT AND RESOURCE MANAGEMENT

Community Revitalization Division
2600 FRESNO STREET, ROOM 3070
FRESNO, CA 93721
(559) 621- , Fax (559) 488-1078
www.fresno.gov

FILE COPY

February 13, 2014

Call or Schedule an Appointment with:
Richard Salinas at (559) 621- 8065

Occhionero Michael & Vincenza
757 Laverne Ave
Clovis, CA 93611

SUBJECT: Invoice of Costs
Address: 2680 N Miami Ave Case #: 12-00009059
APN: 496-217-09

Dear Mr. and Mrs. Occhionero,

This is to inform you that the City of Fresno hereby retracts its January 2, 2014 billing statement and cover letter relating to the above referenced property and case. The billing statement and cover letter was issued in error because the cover letter was a form that relates to "summary abatements." The City's abatement conducted in this case was an "administrative abatement" and therefore the admonition of rights stated in the previous cover letter was erroneous. There is no right to an appeal of the underlying code violations which relate to the administrative abatement conducted in this case.

We have attached a corrected invoice to this letter which includes all costs and fees relating to the administrative abatement and enforcement activities involving your property. This invoice also includes the requisite admonitions as to the potential collection actions available to the City pursuant to the Fresno Municipal Code. Please review both sides of the attached invoice carefully.

Please note that we will be notifying the Administrative Hearing Officer of the error mentioned above and requesting that any appeal scheduled by the Hearing Officer be dismissed and removed from the calendar because there is no jurisdiction for the Hearing Officer to conduct a hearing in this case at this time.

If you have any questions, please contact the undersigned at the address and or phone number listed above.

Appointments are required if you want to meet directly with the Specialist.

Sincerely,

Richard Salinas
Community Revitalization Specialist
cc: File; Edward Johnson, Independent Hearing Officer; Occupant

Certified Article Number
7196 9008 9111 1168 0350
SENDERS RECORD

City of FRESNO

INVOICE

CASE NUMBER: **12-00009059** BILLING DATE: **February 13, 2014**

LOCATION: **2680 N MIAMI AVE** APN: **496-217-09**

SEND BILL TO:

OCCHIONERO MICHAEL & VINCENZA
757 LAVERNE AVE

CLOVIS, CA 93611

Send copy of bill to:

COST DETAIL:	AMOUNT:
ADMINISTRATIVE TIME (74.43 Hours at $100 per hour (11/5/2012 to 2/5/14)	$ 7,443.00
ADMINISTRATIVE ABATEMENT (Contractor Costs (12/16,17 & 18/2013)	$ 34,230.50
Total Amount Due:	**$41,673.50**

DETACH AND RETURN **BOTTOM** PORTION WITH PAYMENT

City of FRESNO

PLANNING AND DEVELOPMENT DEPARTMENT

RES

Prepared by: _____RES_____
Approved by: _____

REMIT TO:
CODE ENFORCEMENT DIVISION
2600 FRESNO ST, ROOM 3070
FRESNO, CA 93721
PHONE (559) 621-8065

OCCHIONERO MICHAEL & VINCENZA
757 LAVERNE AVE

CLOVIS, CA 93611

APN: 496-217-09
CASE NUMBER: 12-00009059
TOTAL DUE: $ 41,673.50

PLEASE NOTE that should you fail to pay these charges in full within 30 days, the City may seek collection through any of the following means: (1) a collection agency; (2) a lien; (3) propery assesment; and/or (4) legal action. (FMC 1-601 et.seq.). Before a lien or special assessment would be placed on your property, an administrative hearing officer will confirm the costs by a public hearing. You will receive notice of the hearing at least fifteen days prior to the date of the hearing and will be allowed to file an objection. IMPORTANT: This Notice will be recorded with the County Recorder's Office, but not before 7 calendar days from the date of the mailing. The cost to release said document is $60.00.

ACCOUNTS PAST 30 DAYS WILL BE CHARGED A LATE PAYMENT FEE OF 1½ % PER MONTH (MINIMUM OF $1.00).

7196 9008 9111 1168 0350

TO: **OCCHIONERO, MICHAEL & VINCENZ/**
757 LAVERNE AVE
CLOVIS, CA 93611

2014 FEB 13 PM 12 34

SENDER: res #12-9059

REFERENCE: 2680 N Miami Ave

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.46
	Certified Fee	3.10
	Return Receipt Fee	2.55
	Restricted Delivery	0.00
	Total Postage & Fees	6.11

USPS®
Receipt for Certified Mail™

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

7196 9008 9111 1168 0343

TO:

OCCUPANT
2680 N MIAMI AVE
FRESNO CA 93727

2014 FEB 13 PM 12 44

SENDER:

res #12-9059

REFERENCE:

2680 N Miami Ave

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.46
	Certified Fee	3.10
	Return Receipt Fee	2.55
	Restricted Delivery	0.00
	Total Postage & Fees	6.11

USPS®

Receipt for Certified Mail™

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

NOTICE OF REVOCATION FEBRUARY 27, 2014

CITY OF FRESNO

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

ORDER AND NOTICE OF PERMIT REVOCATION OF: SPECIAL PERMIT NOS. S-96-76 and S-11-057

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS that the Director of the City of Fresno Development and Resource Management Department, pursuant to the authority vested in her by the City of Fresno City Charter and Municipal Code, has determined it necessary to protect the public health, safety and welfare to revoke all privileges granted under the above-referenced permits. The revocation shall take effect April 2, 2014, which is not less than thirty (30) days following the posting of and service of this notice as provided for under Section 12-405.E of the Municipal Code.

THE CAUSE OF THIS ORDER is the permit holder's failure to comply with the conditions of approval imposed by the decisions granting Site Plan S-96-76 and Major Revised Exhibit S-11-057 relating to 2680 N. Miami Avenue, Fresno, CA 93727; and other grounds, all as explained in the Director's letter dated February 27, 2014, revoking Site Plan S-96-76 as well as Major Revised Exhibit S-11-057.

The permit holder may appeal to the City's Planning Commission within fifteen (15) days from the date of service of this Order and Notice of Revocation dated February 27, 2014.

Inquiries regarding this case by any interested person shall be directed to Richard Salinas, Senior Community Revitalization Specialist, Development and Resource Management Department, Community Revitalization Division, 2600 Fresno Street, Room 3076, Fresno, CA 93721-3604, or by phone at (559) 621-8065, or e-mail at Richard.Salinas@fresno.gov.

Dated: February 27, 2014

CITY OF FRESNO
DEVELOMENT AND RESOURCE MANAGEMENT DEPARTMENT

Jennifer Clark,
Director

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On February 27, 2014, I caused to be served the foregoing documents described as Order and Notice of Revocation on the interested parties to the within action by placing the original/a true copy thereof, enclosed in a sealed envelope, addressed as stated on the attached mailing list, as follows:

__X__ (BY CERTIFIED) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

__X__ (BY FIRST CLASS MAIL) I am "readily familiar" with the City's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully paid at Fresno, California in the ordinary course of business.

____ (BY PERSONAL SERVICE) I delivered such document by hand to the interested parties.

__X__ (BY POSTING) I posted the foregoing Order and Notice Of Revocation at the property located at:2680 N. Miami Avenue, Fresno, California 93727

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

Executed on February 27, 2014, at Fresno, California.

Signature

Subject Addresses: 2680 N. Miami, Fresno, CA 93727

Mailed to:
Michael and Vincenza Occhionero,
757 Laverne Avenue
Clovis, California, 93611

Occupant
2680 N. Miami Avenue
Fresno, CA 93727

Having found good cause pursuant to Fresno Municipal Code (FMC) Section 12-405.E, the Director of the Development and Resource Management Department hereby revokes Site Plan No. S-96-76 and Major Revised Exhibit S-11-057.

The reasons for the revocation are as follows:

1. The Property Owners and Business Owner have consistently stored unsorted, non-baled and unapproved materials in a disorderly manner throughout the Subject Property in violation of the conditions of approval under Site Plan No. S-96-76 and Major Revised Exhibit No. S-11-057. These materials have included, but were not limited to scrap metal, appliances, bed frames, televisions, cans of food, paper, engine parts, flammable liquids and various electronic devices. The Property Owner and Business Owner have consistently stored materials in unapproved areas, including, but not limited to, the driveways and ingress and egress lanes, as well as in the required parking stalls; and areas immediately next to the building on the Subject Property. Items have also been consistently stored beyond the height of the fence surrounding the property.

   Storing unapproved items, and storing approved items in a manner that is inconsistent with the conditions of approval under Site Plan No. S-96-76 and Major Revised Exhibit S-11-057 is a violation of the Fresno Municipal Code. Failure to comply with the conditions of approval under Site Plan No. S-96-76 and Major Revised Exhibit No. S-11-057 is a violation of Fresno Municipal Code (FMC) Sections 12-411.A & B. (Zoning Ordinance Violations). This also violates FMC Sections 10-605.j & .l (Public Nuisance Ordinance Violations)

2. The Property Owners and the Business Owner have consistently relinquished the parking stalls required under the Conditions of Approval under Site Plan No. S-96-76 and Major Revised Exhibit No. 11-057, by storing various materials in the areas designated for required parking, as well in the areas designated for ingress and egress to the Subject Property. Relinquishment, reduction, or alteration of the parking areas or parking spaces, including the driveways designated on the Site Plan and Major Revised Exhibit for the Subject Property is a violation of FMC Secs. 12-306.I.1.a, b, d; 12-411.A. & B.; and 10-605.j & l.

3. The Property Owners and Business Owners have failed to maintain the landscaping on the Subject Property. This is a violation of the conditions of approval under Site Plan No. S-96-76 and Major Revised Exhibit No. S-11-057. Failure to comply with the conditions of approval under Site Plan No. S-96-76 and Major Revised Exhibit No. S-11-057 is a violation of Fresno Municipal Code (FMC) Sections 12-411.A & B. (Zoning Ordinance Violations). This also violates FMC Section 10-605.j & .l (Public Nuisance Ordinance Violations)

4. The Property Owners and Business Owner have maintained a public nuisance at the subject property by failing to comply with the conditions of approval under Site Plan No. S-96-76 and Major Revised Exhibit No. S-11-057. This is a violation of the Fresno Municipal Code Sections 12-411.A & B which read:

> *A. VIOLATION OF CONDITION. If any portion of a privilege authorized by the issuance of a special permit is utilized, all terms and conditions attached thereto shall immediately become effective and must be strictly complied with. The violation of any such term or condition shall constitute a nuisance and violation of this Zoning Ordinance and shall be subject to the same penalties as any other violation of this Code.*
>
> *B. VIOLATION A NUISANCE. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the Fresno Municipal Code, and any use of land, building or premises established, conducted or operated or maintained contrary to the provisions of this Zoning Ordinance, and any violation of any condition of any permit or development entitlement issued under the authority of Chapter 12 shall be and the same is hereby declared to be unlawful and a public nuisance; and the matter may be abated or corrected by administrative citation, action by City forces, court process, or by the filing of a criminal action for violation of this Code; said remedies to be cumulative. In addition to any other remedies available in the Zoning Ordinance and the Code, violations may be remedied pursuant to City of Fresno Public Nuisance Abatement Ordinance (Chapter 10, Article 6).*

A violation of the Zoning Ordinance is a public nuisance. This is a violation of the Fresno Municipal Code Sections 10-604.j& l which read:

> *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:*
>
> *(j) Violation of zoning ordinance.*
>
> *(l) Any violation of the Fresno Municipal Code wherein said violation has been declared a public nuisance.*

5. The business owner have consistently maintained a public nuisance at the Subject Property by failing to comply with the conditions of approval under S-96-76 and S-11-57, noted above, as well as with the Notice and Order issued October 24, 2013, Items 1, 2, 3, and 4. This is a violation of FMC Section 10-615(a) which reads:

> *(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.*

6. The Property Owners and Business Owner have maintained a public nuisance at the Subject Property by consistently failing to comply with Conditions of Approval under S-96-76 and S-11-57, to the extent that the City was compelled to conduct a costly and extensive administrative abatement of the Subject Property. The failure to abide by the Conditions of Approval under Se-96-76 and S-11-57 is violation of Fresno Municipal Code (FMC) Section 12-411.A & B. This is also a violation of FMC Sections 10-605.j &l.

You have the right to appeal the revocation of Site Plan No. S-96-76 and Major Revised Exhibit No. S-11-57 to the Planning Commission within 15 days from the date of this letter. Appeals must be filed with the Director of the Development and Resource Management and must include a statement as to the appellant's interest in, or relationship to, the Subject Property, the decision or action appealed, and specific reasons why the appellant believes the decision or action should not be upheld.

Sincerely,

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

Jennifer Clark
Director
Development and Resource Management Department

Cc: Occupant at 2680 N. Miami Avenue, Fresno, California

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On February___, 2014, I caused to be served the foregoing documents described as Revocation Letter on the interested parties to the within action by placing the original/a true copy thereof, enclosed in a sealed envelope, addressed as stated on the attached mailing list, as follows:

__X__(BY CERTIFIED) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

__X__ (BY FIRST CLASS MAIL) I am "readily familiar" with the City's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully paid at Fresno, California in the ordinary course of business.

_____ (BY PERSONAL SERVICE) I delivered such document by hand to the interested parties.

__X__(BY POSTING) I posted the foregoing Revocation Letter at the property located at: 2680 N. Miami Avenue, Fresno, California 93727

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

Executed on , at Fresno, California.

_____

Signature

Subject Addresses: 2680 N. Miami Avenue, Fresno, CA 93727

Mailed to:
Michael and Vincenza Occhionero
757 Laverne Avenue
Clovis, California, 93611

Occupant
2680 N. Miami Avenue, Fresno, CA 93727

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On February___, 2014, I caused to be served the foregoing documents described as Revocation Letter on the interested parties to the within action by placing the original/a true copy thereof, enclosed in a sealed envelope, addressed as stated on the attached mailing list, as follows:

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_____ (BY PERSONAL SERVICE) I delivered such document by hand to the interested parties.

__X__(BY POSTING) I posted the foregoing Revocation Letter at the property located at: 2680 N. Miami Avenue, Fresno, California 93727

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

Executed on Feb. 27, at Fresno, California.

Lanette Wise
Signature

Subject Addresses: 2680 N. Miami Avenue, Fresno, CA 93727

Mailed to:
Michael and Vincenza Occhionero
757 Laverne Avenue
Clovis, California, 93611

Occupant
2680 N. Miami Avenue, Fresno, CA 93727

NOTICE OF HEARING AND PROOFS OF SERVICE

FILE COPY

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

NOTICE OF PUBLIC HEARING
APPEAL HEARING ON THE REVOCATION OF SITE PLAN REVIEW NO. S-96-76 AND MAJOR REVISED EXHIBIT NO. S-11-57.

NOTICE IS HEREBY GIVEN that in accordance with the procedures of Fresno Municipal Code Article 4, Chapter 12, Section 12-401-H, the Fresno City Planning Commission will conduct a public hearing to consider an appeal of the Director's decision to revoke Site Plan Review No. S-96-76 and Major Revised Exhibit S-11-57 for failure to substantially comply with the conditions of approval of Site Plan Review No. S-96-76 and Major Revised Exhibit S-11-57. The Notice of Appeal was filed by Attorney Brian C. Leighton, on behalf of Michael and Vincenza Occhionero, and pertains to approximately 0.52 acres of property located at 2680 N. Miami Avenue, which is situated on the southeast corner of Miami and Brown Avenues Assessor's Parcel Number 496-217-09. The subject property is zoned M-1 *(Light Manufacturing)*. At this hearing the Planning Commission will consider:

AN APPEAL OF THE REVOCATION OF SITE PLAN REVIEW NO. S-96-76 and Major Revised Exhibit S-11-57. Site Plan No. S-96-76 approved limited outside baled storage on the Subject Property to specific areas. No storage was allowed in the designated parking area, nor in the loading zone area. Where outside and inside storage was permitted, height and distance limitations were imposed. Major Revised Exhibit No. S-11-57 allowed for a reduction in the number of parking spaces and also allowed additional outdoor storage.

FRESNO CITY PLANNING COMMISSION

Date: April 2, 2014

Time: 6:00 p.m., or thereafter

Place: Fresno City Hall, Second Floor, Council Chamber
2600 Fresno Street, Fresno, California 93721

Any interested person may appear at the public hearing and present testimony in regard to this matter. If you challenge the above application 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 Planning Commission at, or prior to, the public hearing.

NOTE: Fresno Municipal Code Section 12-401-C-2 requires that this notice be sent to owners of property within 300 feet of the subject property. The City of Fresno Development and Resource Management Department mails this notice to the property owners within 350 feet.

For additional information, contact Richard Salinas, Department of Development and Resource Management, Community Revitalization Division, City Hall, 2600 Fresno Street, Fresno, California 93721-3604, by telephone at (559) 621-8065 or via e-mail at Richard.Salinas@fresno.gov.

JENNIFER CLARK, Secretary
Fresno City Planning Commission

YVONNE SPENCE, CMC
Fresno City Clerk

Dated: March 19, 2014

Assessor's Parcel No. 496-217-09

SEE MAP ON REVERSE SIDE

Development and Resource Management Department
2600 Fresno Street, Room 3076 · Fresno, CA 93721 · Phone (559) 621-8277 · Fax (559) 498-1026

Certified Article Number
7196 9008 9111 0938 2846
SENDERS RECORD

City of FRESNO R. Salinas
DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT
2600 FRESNO ST
FRESNO CA 93721-3604

THIS IS A LEGAL NOTICE

Site Plan Review No. S-96-76
Major Revised Exhibit No. S-11-57

2680 North Miami Avenue

VICINITY MAP

LEGEND

Subject Property

THE WALZ CERTIFIED MAILER™

FROM **WALZ™**

U.S. PAT. NO. 5,501,393

7196 9008 9111 0938 2846

Label #1

Label #2

Label #3

TEAR ALONG THIS LINE

TO: Brian C. Leighton, Attorney at Law
Law Offices of Brian C. Leighton
701 POLLASKY
CLOVIS, CA 93716

2014 MAR 19 PM 4 28

2014 MAR 19 PM 4 28

SENDER: res/jeb

REFERENCE: 2680 N MIAMI AVE

PS Form 3800, January 2005

RETURN RECEIPT SERVICE		
	Postage	0.46
	Certified Fee	3.10
	Return Receipt Fee	2.55
	Restricted Delivery	0.00
	Total Postage & Fees	6.11

USPS®
Receipt for Certified Mail™
No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

A FOLD AND TEAR THIS WAY → OPTIONAL

B

Label #5

Label #6

Charge Amount:

Charge To:

Label #4

FOLD AND TEAR THIS WAY →

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On March 19, 2014, I caused to be served the foregoing documents described as Notice of Revocation Appeal Hearing on the interested parties to the within action by placing the original/a true copy thereof, enclosed in a sealed envelope, addressed as stated on the attached mailing list, as follows:

X (BY CERTIFIED) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

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____ (BY PERSONAL SERVICE) I delivered such document by hand to the interested parties.

____ (BY POSTING) I posted the foregoing Notice and Order at the property located at:

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

Executed on or about 3-19-14, at Fresno, California.

Signature

Subject Address: 2680 N Miami Ave

Mailed To:

Brian C. Leighton, Attorney at Law
Law Offices of Brian C. Leighton
701 Pollasky
Clovis, CA 93716

res/jeb

FILE COPY

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

NOTICE OF PUBLIC HEARING
APPEAL HEARING ON THE REVOCATION OF SITE PLAN REVIEW NO. S-96-76 AND MAJOR REVISED EXHIBIT NO. S-11-57.

NOTICE IS HEREBY GIVEN that in accordance with the procedures of Fresno Municipal Code Article 4, Chapter 12, Section 12-401-H, the Fresno City Planning Commission will conduct a public hearing to consider an appeal of the Director's decision to revoke Site Plan Review No. S-96-76 and Major Revised Exhibit S-11-57 for failure to substantially comply with the conditions of approval of Site Plan Review No. S-96-76 and Major Revised Exhibit S-11-57. The Notice of Appeal was filed by Attorney Brian C. Leighton, on behalf of Michael and Vincenza Occhionero, and pertains to approximately 0.52 acres of property located at 2680 N. Miami Avenue, which is situated on the southeast corner of Miami and Brown Avenues Assessor's Parcel Number 496-217-09. The subject property is zoned M-1 *(Light Manufacturing)*. At this hearing the Planning Commission will consider:

AN APPEAL OF THE REVOCATION OF SITE PLAN REVIEW NO. S-96-76 and Major Revised Exhibit S-11-57. Site Plan No. S-96-76 approved limited outside baled storage on the Subject Property to specific areas. No storage was allowed in the designated parking area, nor in the loading zone area. Where outside and inside storage was permitted, height and distance limitations were imposed. Major Revised Exhibit No. S-11-57 allowed for a reduction in the number of parking spaces and also allowed additional outdoor storage.

FRESNO CITY PLANNING COMMISSION

Date: April 2, 2014

Time: 6:00 p.m., or thereafter

Place: Fresno City Hall, Second Floor, Council Chamber
2600 Fresno Street, Fresno, California 93721

Any interested person may appear at the public hearing and present testimony in regard to this matter. If you challenge the above application 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 Planning Commission at, or prior to, the public hearing.

NOTE: Fresno Municipal Code Section 12-401-C-2 requires that this notice be sent to owners of property within 300 feet of the subject property. The City of Fresno Development and Resource Management Department mails this notice to the property owners within 350 feet.

For additional information, contact Richard Salinas, Department of Development and Resource Management, Community Revitalization Division, City Hall, 2600 Fresno Street, Fresno, California 93721-3604, by telephone at (559) 621-8065 or via e-mail at Richard.Salinas@fresno.gov.

JENNIFER CLARK, Secretary
Fresno City Planning Commission

YVONNE SPENCE, CMC
Fresno City Clerk

Dated: March 19, 2014

Assessor's Parcel No. 496-217-09

SEE MAP ON REVERSE SIDE

Development and Resource Management Department
2600 Fresno Street, Room 3076 · Fresno, CA 93721 · Phone (559) 621-8277 · Fax (559) 498-1026

Certified Article Number
7196 9008 9111 0938 2839
SENDERS RECORD

City of
FRESNO R. Salinas
DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT
2600 FRESNO ST
FRESNO CA 93721-3604

THIS IS A LEGAL NOTICE

Site Plan Review No. S-96-76
Major Revised Exhibit No. S-11-57

2660 North Miami Avenue

VICINITY MAP

LEGEND

Subject Property

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

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____ (BY POSTING) I posted the foregoing Notice and Order at the property located at:

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

Executed on or about 3-19-14, at Fresno, California.

Signature

Subject Address: 2680 N Miami Ave

Mailed To:

Michael and Vincenza Occhionero
757 Laverne Ave
Clovis, CA 93611

res/jeb

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS, FOLD AT DOTTED LINE

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED
USPS® MAIL CARRIER
DETACH ALONG PERFORATION

2. Article Number

7196 9008 9111 0938 2839

3. Service Type **CERTIFIED MAIL™**

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

1. Article Addressed to:

MICHAEL AND VINCENZA OCCHIONERO
757 LAVERNE AVE
CLOVIS, CA 93611

2680 N MIAMI AVE

res/jeb

PS Form 3811, January 2005 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

Thank you for using Return Receipt Service

FILE COPY

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

NOTICE OF PUBLIC HEARING
APPEAL HEARING ON THE REVOCATION OF SITE PLAN REVIEW NO. S-96-76 AND MAJOR REVISED EXHIBIT NO. S-11-57.

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AN APPEAL OF THE REVOCATION OF SITE PLAN REVIEW NO. S-96-76 and Major Revised Exhibit S-11-57. Site Plan No. S-96-76 approved limited outside baled storage on the Subject Property to specific areas. No storage was allowed in the designated parking area, nor in the loading zone area. Where outside and inside storage was permitted, height and distance limitations were imposed. Major Revised Exhibit No. S-11-57 allowed for a reduction in the number of parking spaces and also allowed additional outdoor storage.

FRESNO CITY PLANNING COMMISSION

Date: April 2, 2014

Time: 6:00 p.m., or thereafter

Place: Fresno City Hall, Second Floor, Council Chamber
2600 Fresno Street, Fresno, California 93721

Any interested person may appear at the public hearing and present testimony in regard to this matter. If you challenge the above application 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 Planning Commission at, or prior to, the public hearing.

NOTE: Fresno Municipal Code Section 12-401-C-2 requires that this notice be sent to owners of property within 300 feet of the subject property. The City of Fresno Development and Resource Management Department mails this notice to the property owners within 350 feet.

For additional information, contact Richard Salinas, Department of Development and Resource Management, Community Revitalization Division, City Hall, 2600 Fresno Street, Fresno, California 93721-3604, by telephone at (559) 621-8065 or via e-mail at Richard.Salinas@fresno.gov.

JENNIFER CLARK, Secretary
Fresno City Planning Commission

YVONNE SPENCE, CMC
Fresno City Clerk

Dated: March 19, 2014

Assessor's Parcel No. 496-217-09

SEE MAP ON REVERSE SIDE

Development and Resource Management Department
2600 Fresno Street, Room 3076 · Fresno, CA 93721 · Phone (559) 621-8277 · Fax (559) 498-1026

Certified Article Number
7196 9008 9111 0936 2622
SENDERS RECORD

City of FRESNO R. Salinas
DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT
2600 FRESNO ST
FRESNO CA 93721-3604

THIS IS A LEGAL NOTICE

Site Plan Review No. S-96-76
Major Revised Exhibit No. S-11-57

2680 North Miami Avenue

VICINITY MAP

LEGEND

Subject Property

THE WALZ CERTIFIED MAILER™

FROM **WALZ™**

U.S. PAT. NO. 5,501,393

7196 9008 9111 0938 2822

TO: OCCUPANT
2680 N MIAMI
FRESNO CA 93727

Label #1

Label #2

Label #3

TEAR ALONG THIS LINE

SENDER:
res/jeb

REFERENCE:
2680 N MIAMI AVE

PS Form 3800, January 2005

RETURN RECEIPT SERVICE		
	Postage	0.46
	Certified Fee	3.10
	Return Receipt Fee	2.55
	Restricted Delivery	0.00
	Total Postage & Fees	6.11

USPS®
Receipt for Certified Mail™
No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

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B

Label #5

Label #6

Charge Amount:

Charge To:

Label #4

FOLD AND TEAR THIS WAY ⟶

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On March 19, 2014, I caused to be served the foregoing documents described as Notice of Revocation Appeal Hearing on the interested parties to the within action by placing the original/a true copy thereof, enclosed in a sealed envelope, addressed as stated on the attached mailing list, as follows:

__X__ (BY CERTIFIED) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

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____ (BY PERSONAL SERVICE) I delivered such document by hand to the interested parties.

____ (BY POSTING) I posted the foregoing Notice and Order at the property located at:

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

Executed on or about 3-19-14, at Fresno, California.

Signature

Subject Address: 2680 N Miami Ave

Mailed To:

Occupant
2680 N. Miami
Fresno, CA 93727

res/jeb

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States and a resident of the County of Fresno; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On March 20, 2014, I caused to be served the foregoing documents described as Notice of Revocation Appeal Hearing on the interested parties to the within action by placing the original/a true copy thereof, enclosed in a sealed envelope, addressed as stated on the attached mailing list, as follows:

_____ (BY CERTIFIED) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

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_____ (BY PERSONAL SERVICE) I delivered such document by hand to the interested parties.

_____ (BY POSTING) I posted the foregoing Notice and Order at the property located at:

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

Executed on 3-20-14, at Fresno, California.

_____
Signature

Subject Address: 2680 N Miami Ave
12-00009059

Mailed To: See attached Interested Party Mailing List

res/jeb

INTERESTED PARTY MAILING LIST
Notice of Revocation Appeal Hearing
2680 N. Miami (12-9059)

A&R BENSON PROPERTIES LLC
2597 N FORDHAM
FRESNO CA 93727

A&R BENSON PROPERTIES LLC
2597 N FORDHAM
FRESNO CA 93727

ACADEMY HILLS
% MANAGEX
7636 N INGRAM #101
FRESNO CA 93711

ACADEMY HILLS
% MANAGEX
7636 N INGRAM #101
FRESNO CA 93711

ACADEMY HILLS
% MANAGEX
7636 N INGRAM #101
FRESNO CA 93711

ACADEMY HILLS
% MANAGEX
7636 N INGRAM #101
FRESNO CA 93711

ALLEN GAYLENE
423 W VARTIKIAN
FRESNO CA 93704

BETTERLEY ANTHONY A & NANCY R TRUSTEES
10847 N PURDUE
CLOVIS CA 93619

BETTERLEY ANTHONY A & NANCY TRUSTEES
10847 N PURDUE
CLOVIS CA 93619

COOK FAMILY LP
2780 N MIAMI #101
FRESNO CA 93727

INTERESTED PARTY MAILING LIST
Notice of Revocation Appeal Hearing
2680 N. Miami (12-9059)

COOK JERRY E TRUSTEE
2780 N MIAMI #101
FRESNO CA 93727

COOK JERRY E TRUSTEE
2780 N MIAMI #101
FRESNO CA 93727

HALSEY WILLIAM R & JANET L TRUSTEES
7361 N FANCHER
CLOVIS CA 93619

HOCH JEFF J
9107 WILSHIRE BLVD #450
BEVERLY HILLS CA 90210

HUNSAKER DEBBIE L
P O BOX 12224
FRESNO CA 93777

LANE-STEELE LTD
3250 MONIER CIR #F
RANCHO CORDOVA CA 95742

LEWIS DAVID P & BEVERLY ANN TRUSTEES
9739 E ELLERY
CLOVIS CA 93619

MEDIA SOLUTIONS INC
5808 E BROWN
FRESNO CA 93727

MOORE MARGARET J TRUSTEE
2268 GUNAR DR
SAN JOSE CA 95124

NGUYEN KIM
2694 HERITAGE
CLOVIS CA 93619

OCCHIONERO MICHAEL & VINCENZA
757 LAVERNE AVE
CLOVIS CA 93611

INTERESTED PARTY MAILING LIST
Notice of Revocation Appeal Hearing
2680 N. Miami (12-9059)

PATRICK STEVE & MARCIA
PATRICK MARILYN VIRGIL TRUSTEE
2407 E WILLIS
FRESNO CA 93726

RM BULLDOG LLC
% REX MOORE ELEC/ENGINEER
6001 OUTFALL CIR
SACRAMENTO CA 95828

SANDERS WILLIAM T & LISA C TRUSTEES
6230 RANGER
CLOVIS CA 93611

SEBRA NELSON T & PAULLA B
5825 E BROWN
FRESNO CA 93727

SIEBERT STEVEN LEE & DEBORA SUE TRS
6932 E FLORADORA
FRESNO CA 93727

SILVERWOOD OBED R & JOY S
7001 PALOMINO DR
SANGER CA 93657

STALLINGS MICHAEL D & SHERRIE M TRS
3912 W BREHLER
SANGER CA 93657

TJC PARTNERS
2780 MIAMI #101
FRESNO CA 93727

TOVAR STEPHANIE TRUSTEE
4687 E CORTLAND
FRESNO CA 93726

TRICOZ LLC
4672 W JENNIFER #107
FRESNO CA 93722

WSMITHPROPERTIES 401K PLAN
5570 N WINCHESTER
FRESNO CA 93704

COMMUNITY OPPOSITION LETTERS

COOK
LAND COMPANY
Established in 1942

Providing Innovative Real Estate Solutions

March 26, 2014

Hon. Members of the Planning Commission,

My name is Todd Cook, and I am the COO of Cook Land Company. Our office is located at 2780 N. Miami Ave. in Fresno.

I am writing you to strongly and strenuously urge you to deny the appeal of the revocation of the CUP for the junkyard located at 2680 North Miami Ave.

My company owns and maintains a portfolio of 20 or more buildings in the immediate vicinity of the subject property in this hearing. In other words to my knowledge we are the largest owner of buildings in the area, and have invested tens of millions of dollars in this area.

In the duties of my job, I am often showing properties to prospective and existing business tenants. These tenants range from small contractors, all the way up to Fortune 500 companies. I cringe when I have to drive them by the subject property, because they all say the same thing ; "Wow, is that a junkyard?" followed by "I don't want to be anywhere near that". Make no mistake about it, these businesses are industrial businesses looking to locate in an industrial area. The property in question however, goes far beyond anything that should be allowed in an industrial area.

As a California Department of Real Estate license holder, I am qualified to give expert testimony in regard to real estate matters, and have done so under expert witness designation in a court of law in the past. With those qualifications in mind, I can state without hesitation that the subject property contributes to a state of blight, and urban decay. It therefore qualifies as a public nuisance, and is a violation of any current industrial zoning designations.

It has been, and is affecting the neighborhood property values and the right of enjoyment to those properties as well. As a city struggling for economic development, Fresno cannot and should not subject those who are willing to invest (in our case, tens of millions of dollars) to foster economic growth and development, to this kind of unacceptable disregard to ordinances that clearly do not allow it.

The city did the right thing by stepping in, and now it is incumbent upon the Planning Commission to deny this request for appeal!

Respectfully,
Todd Cook
COO
Cook Land Company
DRE Lic # 01887609

2780 N. Miami Avenue #101 | Fresno, California 93727 | Office: (559) 346-1400 | Fax: (559) 346-1444 | www.cooklandcompany.com

Signal 88 Security

City of Fresno
Fresno Planning Commission

March 25, 2014

Dear Sirs:

As a business owner in the immediate area, I would greatly appreciate your consideration in supporting a clean, safe, and fire-free hazard regarding the property located at 2680 N Miami Ave, Fresno by **DENYING THE OWNERS REQUEST FOR APPEAL OF REVOCATION**.

For years this site has grown to become an eye-sore to the neighborhood with its pile of trash growing monthly. It appears to be a fire hazard with the trash strewn throughout the yard and inside the building. Its overgrown trash and lack of maintenance is a safety issue for the neighbors and employees. I would hate for this hazard to impact my business and customers should safety not be your number one consideration.

Thank you for your consideration

Scott L. Johnson

Business Owner

Fresno Signal 88 Security
2821 N. Miami Ave, Suite B.
Fresno, CA 93727

GALVAN
Cabinets & Specialties

TEL: (559) 291-5102

SPECIALIZING IN COMMERCIAL AND RESIDENTIAL CABINETRY
2821 N. MIAMI AVE., STE. A, FRESNO, CA 93727

FAX: (559) 291-4813

March 27, 2014

To Whom It May Concern:

I am writing to express my concern about the yard of the property near my business. This property, situated at the southeast corner of Miami and Brown Avenues ((2680 N. Miami Ave.), has been an eyesore in the neighborhood for quite a while now. The yard is full of junk which can be seen clearly both through the chain-link fence and in some cases the height of the junk piles rises well above the top of the fence. As a business owner and a "resident" of the neighborhood I am dismayed and outraged that I have to co-exist with such a mess so close to my place of business. As a concerned citizen, I simply think this is an intolerable situation that needs to be remedied as soon as possible.

I sincerely hope that the committee will take into consideration my concerns and move swiftly to enforce any and all appropriate sanctions, etc. so that we can return the neighborhood to a more tasteful and business-friendly location.

Sincerely,

Stephen G. Galvan

Stephen G. Galvan,

Owner

March 26, 2014

Jennifer Clark, Secretary
Fresno City Planning Commission
Development and Resource Management
City of Fresno
2600 Fresno Street, Room 3076
Fresno, CA 93721

Re: Public hearing for appeal of the revocation of site plan review for property located at 2680 N Miami

Dear Planning Commissioner,

For the past years, the property owner at 2680 N. Miami in Fresno has allowed his property to become a trash dump that has blighted our business neighborhood area until Code Enforcement from the City of Fresno recently cleaned it up. It has hurt property values and been detrimental in attracting companies to locate in the area. The owner has now begun to fill it up again.

Now the property owner is appealing the Administrative Abatement so they can continue to store trash and recyclables keeping the area blighted.

We the adjacent property and business owners, workers and visitors to the area ask the Planning Commission to oppose the property owner's appeal to the City of Fresno.

Sincerely,

Name Mark Scozzari
Address 3198 Willow Ave.
City, State, Zip Clovis, CA 93612
Phone 559-291-4930
Email

March 26, 2014

Jennifer Clark, Secretary
Fresno City Planning Commission
Development and Resource Management
City of Fresno
2600 Fresno Street, Room 3076
Fresno, CA 93721

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We the adjacent property and business owners, workers and visitors to the area ask the Planning Commission to oppose the property owner's appeal to the City of Fresno.

Sincerely,

Name NICK SASSANO

Address 5869 E. BROWN #101

City, State, Zip FRESNO, CA 93727

Phone 559 348 9882

Email SSauto.fresno@gmail.com

March 26, 2014

Jennifer Clark, Secretary
Fresno City Planning Commission
Development and Resource Management
City of Fresno
2600 Fresno Street, Room 3076
Fresno, CA 93721

Re: Public hearing for appeal of the revocation of site plan review for property located at 2680 N Miami

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We the adjacent property and business owners, workers and visitors to the area ask the Planning Commission to oppose the property owner's appeal to the City of Fresno.

Sincerely,

Name Luis Rosales

Address 1224 Qst #102

City, State, Zip Sanger, CA 93657

Phone 559-579-5079

Email veelkunaliy@gmail.com

Petition to clean-up the industrial area at 2680 N. Miami

To: Members of the Fresno City Planning Commission

Re: Public Nuisance Warehouse at 2680 N. Miami Fresno, CA

For the past years, the property owner at 2680 N. Miami in Fresno has allowed his property to become a trash dump that has blighted our business neighborhood area until Code Enforcement from the City of Fresno recently cleaned it up. It has hurt property values and been detrimental in attracting companies to locate in the area. The owner has now begun to fill it up again.

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We the adjacent property and business owners, workers and visitors to the area ask the Planning Commission to oppose the property owner's appeal to the City of Fresno.

NAME	ADDRESS	PHONE #
David John	2163 N. Fordham Fresno, CA	559-291-2563
Susan Cathey	2668 W Fordham Fresno, CA	291-1274
[illegible]	2684 N. Fordham Fresno CA	456-[illegible]
John Nagle	5857 E Tenaya 93727	298-0279

Petition to clean-up the industrial area at 2680 N. Miami

To: Members of the Fresno City Planning Commission

Re: Public Nuisance Warehouse at 2680 N. Miami Fresno, CA

For the past years, the property owner at 2680 N. Miami in Fresno has allowed his property to become a trash dump that has blighted our business neighborhood area until Code Enforcement from the City of Fresno recently cleaned it up. It has hurt property values and been detrimental in attracting companies to locate in the area. The owner has now begun to fill it up again.

Now the property owner is appealing the Administrative Abatement so they can continue to store trash and recyclables keeping the area blighted.

We the adjacent property and business owners, workers and visitors to the area ask the Planning Commission to oppose the property owner's appeal to the City of Fresno.

NAME	ADDRESS	PHONE #
Luis Rosales	5856 E Terrace Ave	559-579-5072
Shogi Solaka	5845 E Terrace Ave	559-348-9038
PATRICK N. MORONEY	2562 N. PURDUE	559-696-8625
Gus Bensaan	2639 & 2597 Fordham	559-291-6985
JASON SASSANO	5869 E. BROWN AVE	(559) 348-9832
Christine Singh	5869 E. Brown Ave #102	559-346-1432
Janet	5863 E. Brown	(559) 291-6226
CHRIS FALK	5837 E. BROWN	348-9419
[illegible]	5846 E Brown	906 8740
[illegible]	5828 E. Harvard Ave	840.0599

Petition to clean-up the industrial area at 2680 N. Miami

To: Members of the Fresno City Planning Commission

Re: Public Nuisance Warehouse at 2680 N. Miami Fresno, CA

For the past years, the property owner at 2680 N. Miami in Fresno has allowed his property to become a trash dump that has blighted our business neighborhood area until Code Enforcement from the City of Fresno recently cleaned it up. It has hurt property values and been detrimental in attracting companies to locate in the area. The owner has now begun to fill it up again.

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We the adjacent property and business owners, workers and visitors to the area ask the Planning Commission to oppose the property owner's appeal to the City of Fresno.

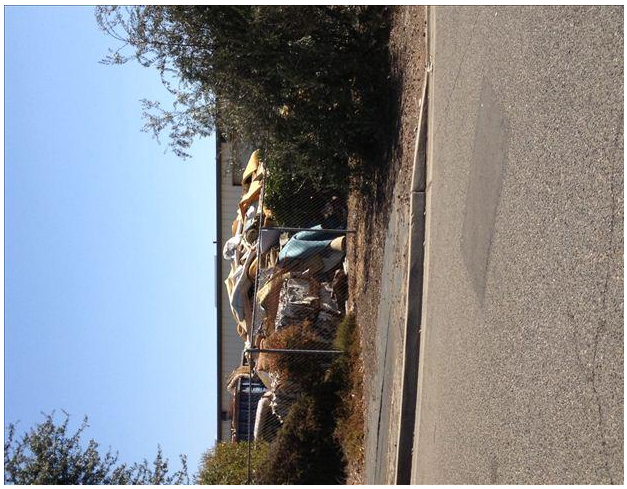
NAME	ADDRESS	PHONE #
Caray Best	2564 N. Miami Fresno	291-1307.
Mike Monegan	2644 N. Miami Ave Fresno	348-2470
Ryan Shreve	5839 E. Clinton Fresno	292-8811
Keith Beene	2465 N. Miami Fresno	292-3366
Beau Fitzpatrick	2495 N Miami #104 Fresno	291-4600
Billy Threakham	2495 N. Miami Fresno	347-9227
Juanita Russell	2474 N. Miami Ave Fresno	346-0482
Mark Turgeon	5852 E Brown Fresno	779-9752
David Flum	2475 N. Fordham ave Fresno	291-5737
Jerry Wiseor	2636 N. Fordham	291-7395

CD OF DATED SITE PHOTOGRAPHS

2680 N MIAMI AVE

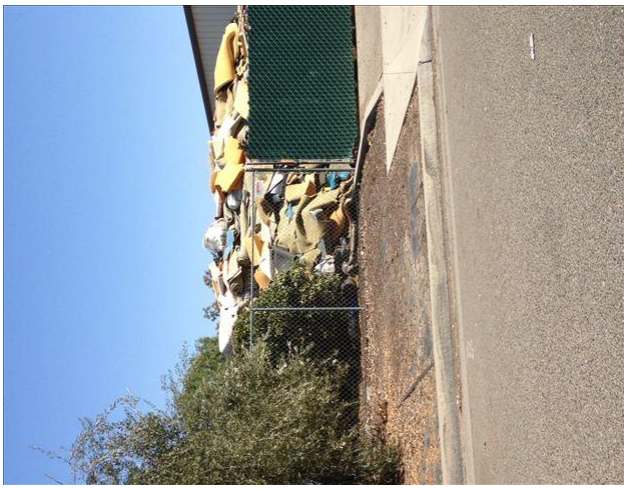
Case #: 12-00009059 APN: 496-217-09

Case Type: PNRV PN RUBBISH/JUNK/MISC ITEMS



Date: 9/19/2013 2:06:54 PM

Foam products at northside of property. Photo taken facing southeast.

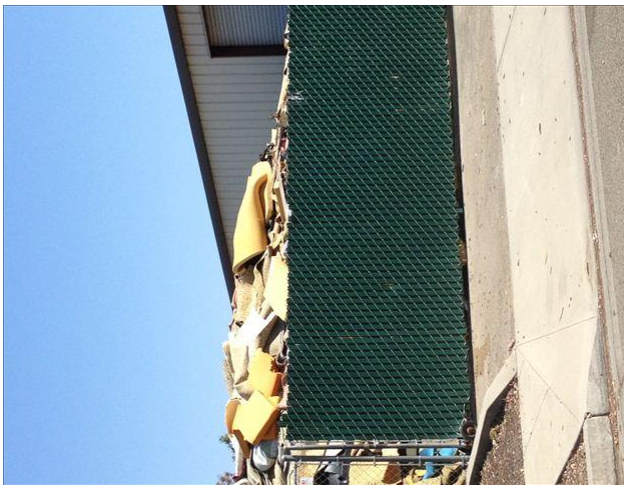


Date: 9/19/2013 2:07:04 PM

Foam products piled up exceeding height of fence at west side driveway area. Photo taken facing east.

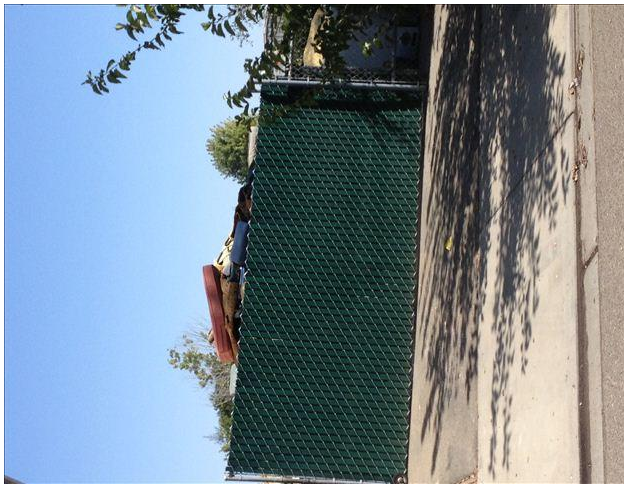
Date: 9/19/2013 2:07:08 PM

Foam products piled up exceeding height of fence at west side driveway area. Photo taken facing east.

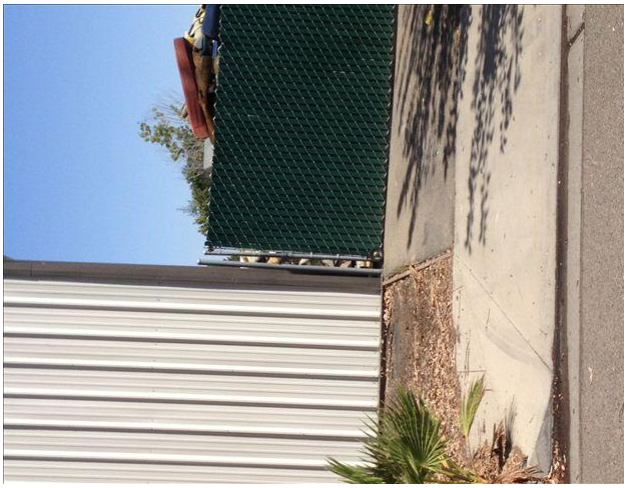


Date: 9/19/2013 2:07:12 PM

Foam products piled up exceeding height of fence at west side driveway area. Photo taken facing east.



Date: 9/19/2013 2:07:29 PM
Storage materials near back building exceeding height of fence. Photo taken facing east.



Date: 9/19/2013 2:07:31 PM
Storage materials near back building exceeding height of fence. Photo taken facing east.

Date: 10/7/2013 12:26:15 AM
Viewing pile of storage material at southwest corner of property. Photo taken facing east.

Date: 10/7/2013 12:26:26 AM
Close up of metals stored at top of pile at southwest corner of property. Photo facing east.

Date: 10/7/2013 12:27:08 AM
Viewing appliance (washer) along with what

Date: 10/7/2013 12:27:40 AM
Large pile of material stored at west side of property

resembles computer monitors located at southwest corner of property. Photo taken facing east.

Date: 10/7/2013 12:27:55 AM
Landscape at north area of property not being maintained. Photo taken facing east.

near gate. Pile exceeds height of fence. Photo taken facing east.

Date: 10/7/2013 12:28:14 AM

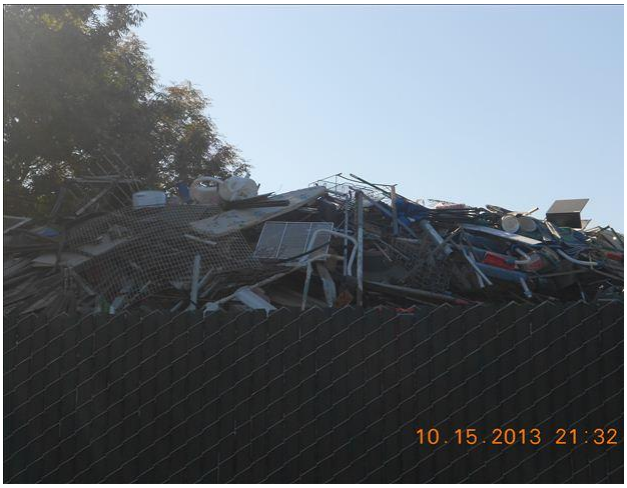
Date: 10/7/2013 12:28:28 AM
Storage material including metal bin located at north area of property. Phot taken facing southeast.

Date: 10/7/2013 12:28:45 AM
Piles of material stored at norteast corner of property at gate exceeding height of fence. Scrap metal can be seen at top of pile. Photo taken facing southeast.

Date: 10/7/2013 12:29:01 AM
Piles of material stored at norteast corner of property at gate exceeding height of fence. Scrap metal can be seen at top of pile. Photo taken facing southeast.

Date: 10/7/2013 12:30:36 AM
Storage of materials at south area of property. Photo taken facing north.

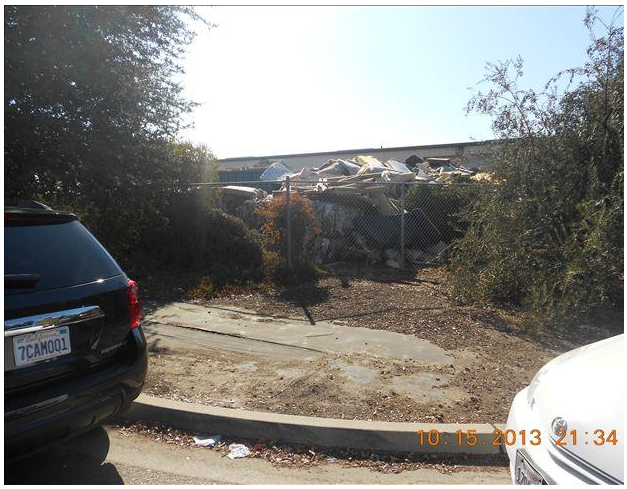
Date: 10/7/2013 12:32:25 AM
Wide view of northwest area of property showing large pile of materials exceeding height of fence. Photo taken facing southeast.



Date: 10/15/2013 9:32:18 PM
Reinsp. Pile of stored materials located at northeast corner of property.

Date: 10/15/2013 9:33:18 PM
Reinsp. Pile of stored materials located at northeast corner of property in front of driveway area.

Date: 10/15/2013 9:34:33 PM
Reinsp. Baled material stored along north area of property. Landscaping does not screen stored materials.



Date: 10/15/2013 9:35:00 PM
Reinsp. Stored materials along northwest corner of property.

Date: 10/15/2013 9:35:36 PM
Reinsp. Viewing pile of stored materials at west side of property in front of gate entrance/exit area.

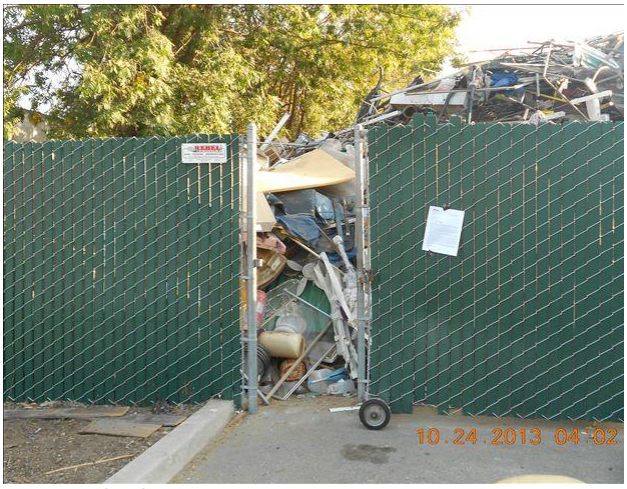
Date: 10/15/2013 9:35:56 PM

Date: 10/15/2013 9:36:19 PM

Reinsp. Landscaping at northwest corner of property.

Date: 10/24/2013 4:02:09 AM
Notice and Order posted at gate (northeast corner).

Reinsp. Landscaping at northwest corner of property.



Date: 10/24/2013 4:02:17 AM
Notice and Order posted at gate (northeast corner)

Date: 11/5/2013 10:31:00 PM
Viewing pile of debris located at the northeast corner of property.

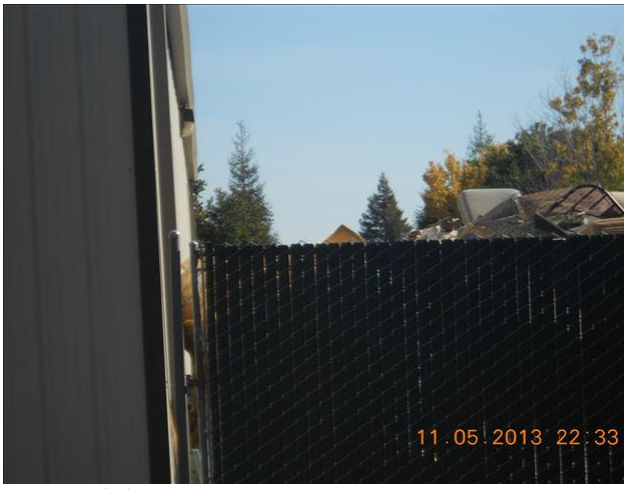
Date: 11/5/2013 10:31:20 PM
Viewing pile of debris near property line and exceeding height of fence at northeast corner of property.

Date: 11/5/2013 10:31:42 PM
Bales of foam and other items stacked at north area of property.

Date: 11/5/2013 10:32:06 PM
Pile of debris and landscaping seen at north area of property. Photo taken facing southeast.

Date: 11/5/2013 10:32:21 PM
Pile of debris at northwest corner of property. Pile exceeding height of fence. Pile near driveway approach. Photo taken facing east.

Date: 11/5/2013 10:32:34 PM
Viewing pile of debris at north area of property above the height of fence. Pile near warehouse. Photo taken facing east.



Date: 11/5/2013 10:32:56 PM
Viewing debris stacked next to warehouse at southwest corner of property. Photo taken facing east.

Date: 11/5/2013 10:33:02 PM
Viewing debris stacked next to warehouse at southwest corner of property. Photo taken facing east.

Date: 12/1/2013 9:14:18 PM
Forced Entry Abatement Warrant posted at N/W side gate.

Date: 12/1/2013 9:15:21 PM
Forced Entry Abatement Warrant posted at S/W side gate.

Date: 12/1/2013 9:17:14 PM
Forced Entry Abatement Warrant posted at north side gate.

Date: 12/1/2013 9:17:29 PM
Forced Entry Abatement Warrant posted at north side gate.

Date: 12/1/2013 9:18:45 PM
Forced Entry Abatement Warrant posted at N/W

Date: 12/1/2013 9:19:07 PM
Forced Entry Abatement Warrant posted at S/W

side gate.

Date: 12/2/2013 9:42:59 PM

side gate.

Date: 12/2/2013 9:43:10 PM

Date: 12/2/2013 9:43:16 PM

Date: 12/2/2013 9:43:34 PM

Date: 12/2/2013 9:43:48 PM

Date: 12/2/2013 9:43:54 PM

Date: 12/2/2013 9:44:03 PM

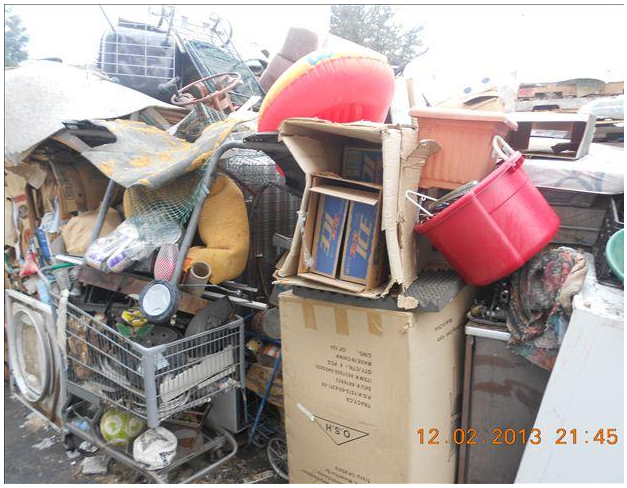
Date: 12/2/2013 9:44:11 PM

Date: 12/2/2013 9:44:38 PM

Date: 12/2/2013 9:44:47 PM

Date: 12/2/2013 9:44:57 PM

Date: 12/2/2013 9:45:26 PM



Date: 12/2/2013 9:45:46 PM

Date: 12/2/2013 9:46:01 PM

Date: 12/2/2013 9:46:15 PM

Date: 12/2/2013 9:46:26 PM

Date: 12/2/2013 9:46:37 PM

Date: 12/2/2013 9:47:01 PM

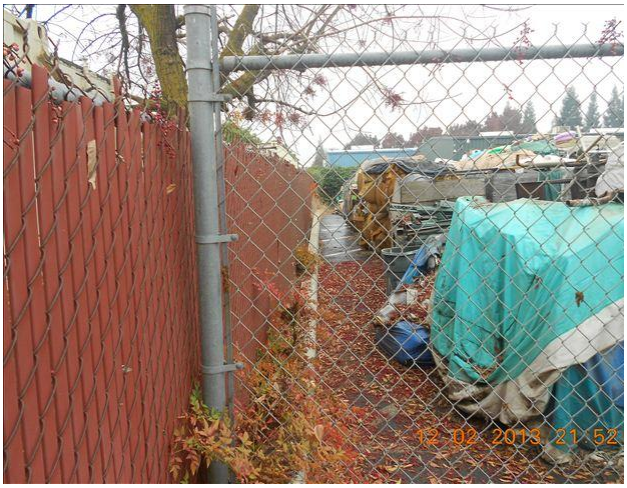
Date: 12/2/2013 9:47:55 PM

Date: 12/2/2013 9:49:55 PM

Date: 12/2/2013 9:50:36 PM

Date: 12/2/2013 9:51:25 PM

Date: 12/2/2013 9:51:46 PM



Date: 12/2/2013 9:52:08 PM

Date: 12/2/2013 9:52:15 PM

Date: 12/2/2013 9:52:58 PM

Date: 12/2/2013 9:56:14 PM

Date: 12/2/2013 9:56:50 PM

Date: 12/2/2013 9:57:25 PM

Date: 12/2/2013 9:57:50 PM

Date: 12/2/2013 9:59:04 PM

Date: 12/2/2013 9:59:46 PM

Date: 12/2/2013 9:59:56 PM

Date: 12/2/2013 10:00:15 PM

Date: 12/2/2013 10:00:37 PM

Date: 12/2/2013 10:00:53 PM

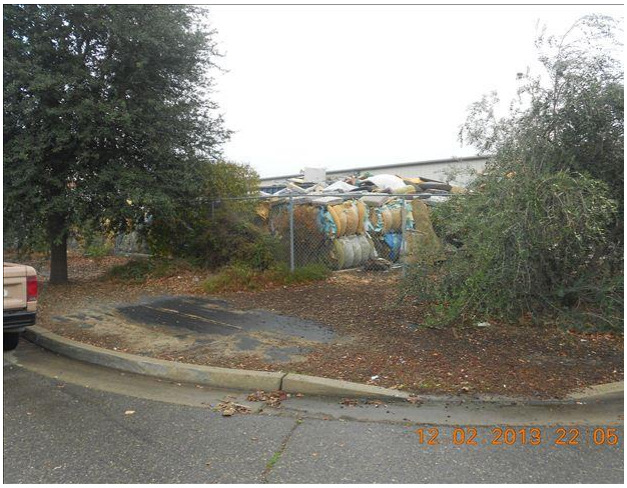
Date: 12/2/2013 10:01:03 PM

Date: 12/2/2013 10:01:20 PM

Date: 12/2/2013 10:01:46 PM

Date: 12/2/2013 10:02:00 PM

Date: 12/2/2013 10:04:49 PM



Date: 12/2/2013 10:05:25 PM

Date: 12/2/2013 10:05:49 PM

Date: 12/2/2013 10:06:18 PM

Date: 12/2/2013 10:06:41 PM

Date: 12/15/2013 10:01:56 PM
Contractor beginning abatement of pile with mixed material at northeast side of property.

Date: 12/15/2013 10:09:35 PM
Contractor beginning abatement of pile with mixed material at northeast side of property.

Date: 12/15/2013 10:09:47 PM
Pile of mixed material at northeast side of property.

Date: 12/15/2013 10:13:50 PM
Removal of mixed material at west side of property.

Date: 12/15/2013 10:14:29 PM
Removal of mixed material at west side of property.

Date: 12/15/2013 10:18:09 PM
Various debris at bottom of pile (paint cans, electronic equipment, scrap metal, vacuum, misc. items)

Date: 12/15/2013 10:19:17 PM
Viewing middle of pile at northeast side of property.

Date: 12/15/2013 10:19:35 PM
Contractor beginning abatement of pile with mixed

Date: 12/15/2013 10:24:02 PM
Gloss lacquer found inside pile of mixed material.

material at northeast side of property.

Date: 12/15/2013 10:24:49 PM
Gloss lacquer found inside pile of mixed material.
(northeast side of property)

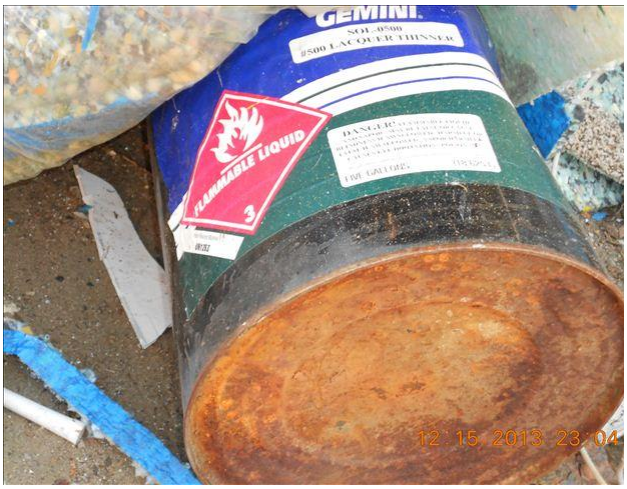
(northeast side of property)

Date: 12/15/2013 10:25:12 PM
More lacquer found inside pile of mixed material.

Date: 12/15/2013 10:25:31 PM
View of mixed pile at northeast side of property.

Date: 12/15/2013 10:41:27 PM
Food cans, electronics, and batteries found within mixed pile of material.

Date: 12/15/2013 11:03:21 PM



Date: 12/15/2013 11:04:11 PM

Pile of mixed material at westside of property.

Date: 12/15/2013 11:04:24 PM
View of mixed material pile in middle of property.

Flammable liquid found inside mixed pile of materials.

Date: 12/15/2013 11:08:19 PM
View of mixed material pile (shopping cart, appliance, boxes, misc. items) at middle of property.

Date: 12/15/2013 11:08:28 PM
View of mixed material stored on east side of property.

Date: 12/15/2013 11:08:56 PM
View of mixed material stored at southeast area of property.

Date: 12/15/2013 11:09:56 PM
View of bicyle, wiring and other material piled at middle of property.

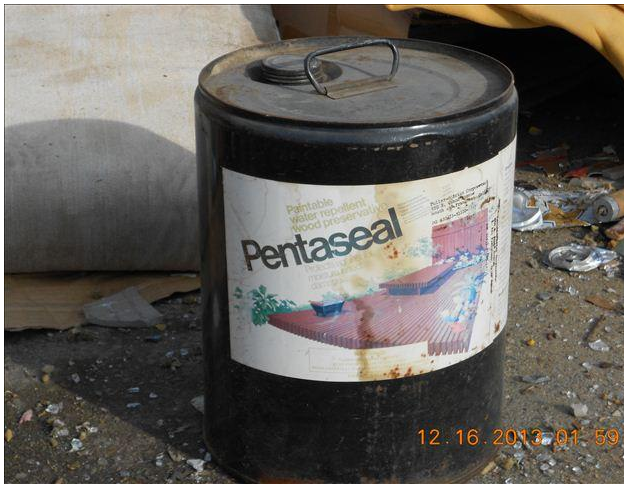
Date: 12/15/2013 11:34:49 PM
Boxes of canned food unused stored within pile at middle of property.

Date: 12/15/2013 11:50:27 PM
View of ongoing abatement at northeast side of property.

Date: 12/16/2013 12:06:19 AM
Various materials in pile at northeast area of property.

Date: 12/16/2013 12:06:28 AM
Various materials in pile at northeast area of property.

Date: 12/16/2013 1:49:30 AM
West area of property cleared of mixed material.

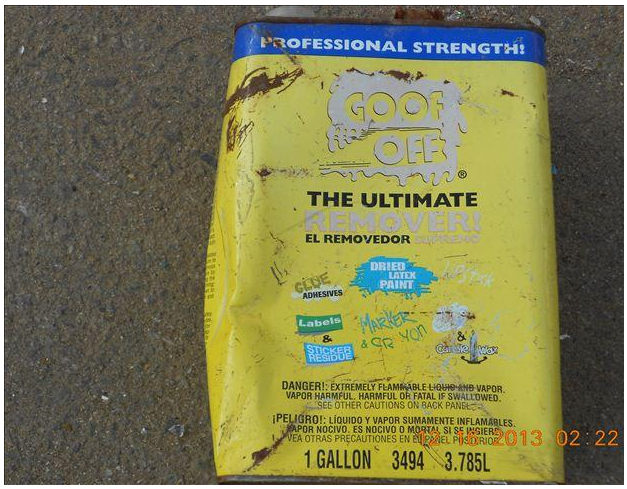


Date: 12/16/2013 1:59:10 AM
Chemical found in pile at middle of property.

Date: 12/16/2013 1:59:33 AM
Mixed material found including chemical found at middle of property.

Date: 12/16/2013 2:01:12 AM
Various items found at bottom of piles within property.

Date: 12/16/2013 2:17:14 AM
Mixed material located within piles at middle of property.



Date: 12/16/2013 2:22:09 AM
Another flammable chemical found within mixed

Date: 12/16/2013 2:51:06 AM
Viewing some baled material including helium tank.

material piles.

Date: 12/16/2013 2:53:09 AM
Viewing mixed material and some baled material at center of property.

Date: 12/16/2013 2:54:03 AM
Ongoing removal of mixed material at northeast area of property.

Date: 12/16/2013 2:55:16 AM
Mixed material being removed at westside of property.

Date: 12/16/2013 2:55:46 AM
Ongoing removal of material at westside area of property.

Date: 12/16/2013 3:05:03 AM

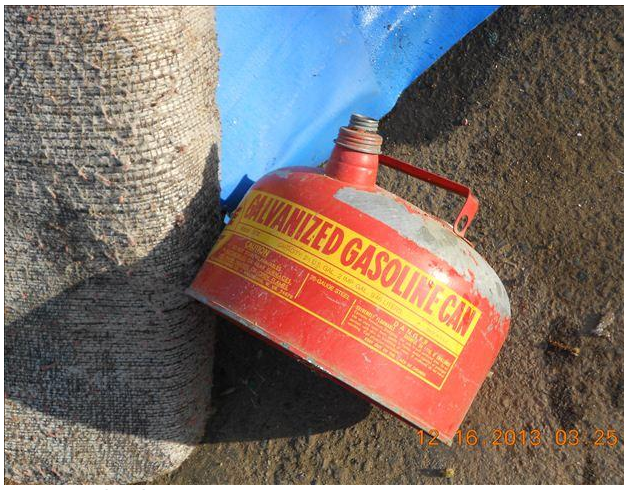
Date: 12/16/2013 3:08:00 AM

Non-baled material at middle of property.

Date: 12/16/2013 3:08:19 AM
Large metal container identified as flammable located on top of baled material at north area of property.

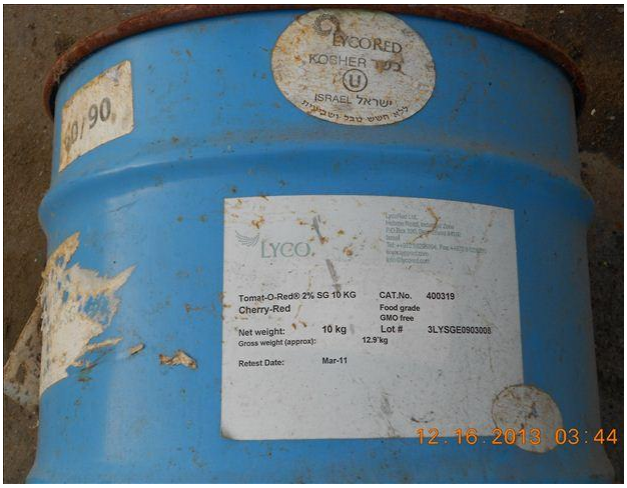
Large TV within pile of material at northwest area of property.

Date: 12/16/2013 3:24:46 AM
Ongoing removal of mixed material at westside of property.



Date: 12/16/2013 3:25:14 AM
Gasoline can within one of mixed piles.

Date: 12/16/2013 3:30:53 AM
Mixed material pile at northeast side of property.



Date: 12/16/2013 3:40:11 AM
View of damamged large TV at north area of property.

Date: 12/16/2013 3:44:23 AM
Food grade drum found within middle of property.

Date: 12/16/2013 3:49:04 AM
Canned food found in middle or mixed material pile in middle of property.

Date: 12/16/2013 4:04:49 AM
Ongoing removal of mixed material at northeast area of property.

Date: 12/16/2013 4:05:00 AM
Removal of mixed material from northeast area of property.

Date: 12/16/2013 4:14:29 AM
Viewing pipes and scrap metal.

Date: 12/16/2013 11:03:52 AM
2680 N MIAMI

Date: 12/16/2013 11:03:58 AM
2680 N MIAMI

Date: 12/16/2013 11:04:05 AM
2680 N MIAMI

Date: 12/16/2013 11:04:10 AM
2680 N MIAMI

Date: 12/16/2013 11:04:15 AM
2680 N MIAMI

Date: 12/16/2013 11:04:47 AM
2680 N MIAMI

Date: 12/16/2013 11:05:28 AM
2680 N MIAMI

Date: 12/16/2013 7:54:25 PM
Area in front of building.

Date: 12/16/2013 7:55:07 PM
Pile of mixed material at area north of building.

Date: 12/16/2013 8:08:07 PM
Mixed material being removed from northeast area of property.

Date: 12/16/2013 8:13:11 PM
Water heater being removed with other mixed material.

Date: 12/16/2013 8:30:00 PM
Can of motor oil found within piles of mixed material.

Date: 12/16/2013 8:30:58 PM
Water heater and other mixed materil inside pile north of building.

Date: 12/16/2013 8:31:21 PM
Antifreeze mixed within pile of materials.

Date: 12/16/2013 8:35:25 PM
Electronics mixed within piles.

Date: 12/16/2013 8:35:34 PM
Sink, bottles scrap metal, and scrap wood located north of building.

Date: 12/17/2013 8:54:05 AM
PHOTOS OF MATERIAL REMOVED FROM 2680

Date: 12/17/2013 8:54:24 AM
PHOTOS OF MATERIAL REMOVED FROM 2680

N MIAMI

Date: 12/17/2013 8:56:26 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

N MIAMI

Date: 12/17/2013 8:56:29 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:56:34 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:56:38 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:56:42 AM

Date: 12/17/2013 8:56:46 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:56:50 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:56:53 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:03 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:07 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:11 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:15 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

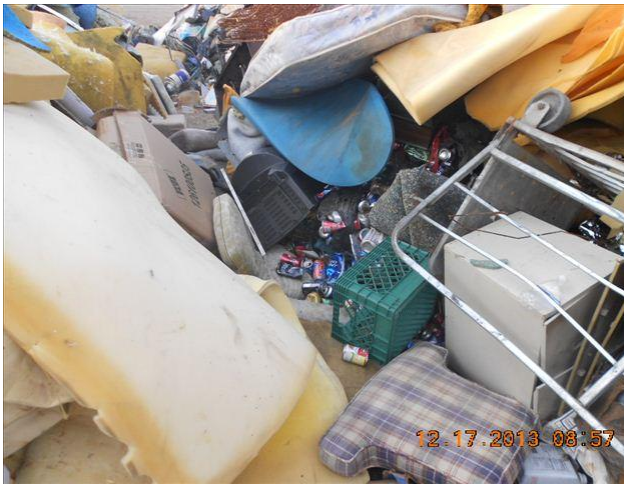
Date: 12/17/2013 8:57:18 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:21 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:24 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:28 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:31 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI



Date: 12/17/2013 8:57:35 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:49 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:54 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:57:58 AM
PHOTOS OF MATERIAL REMOVED FROM 2680

Date: 12/17/2013 8:58:01 AM
PHOTOS OF MATERIAL REMOVED FROM 2680

N MIAMI

Date: 12/17/2013 8:58:07 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

N MIAMI

Date: 12/17/2013 8:58:10 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:58:19 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:58:26 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:58:34 AM

Date: 12/17/2013 8:58:41 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:58:45 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:58:48 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:58:51 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:58:58 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:59:01 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:59:05 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:59:10 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:59:15 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:59:19 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:59:22 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:59:26 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 8:59:53 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:00:00 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:00:04 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:00:07 AM
PHOTOS OF MATERIAL REMOVED FROM 2680

Date: 12/17/2013 9:00:21 AM
PHOTOS OF MATERIAL REMOVED FROM 2680

N MIAMI

Date: 12/17/2013 9:00:27 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

N MIAMI

Date: 12/17/2013 9:00:35 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:00:43 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:00:46 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:00:50 AM

Date: 12/17/2013 9:02:03 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:02:10 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:02:21 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:02:26 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:02:34 AM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:04:37 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:04:53 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:05:00 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:05:06 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:05:18 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:05:21 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:05:28 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:05:35 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 9:05:51 AM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 10:05:30 AM
Area at west side of property.

Date: 12/17/2013 10:06:38 AM
Pile of mixed material just north of building.

Date: 12/17/2013 10:41:29 AM
Mixed material stored at northside of property near

parking areas.

Date: 12/17/2013 11:28:30 AM
Baled materials organized at northside of property.

Date: 12/17/2013 11:28:36 AM
Baled materials organized at northside of property.

Date: 12/17/2013 11:34:48 AM
Mixed materials at northeast side of property.

Date: 12/17/2013 12:43:30 PM
West area of property almost clear of mixed materials.

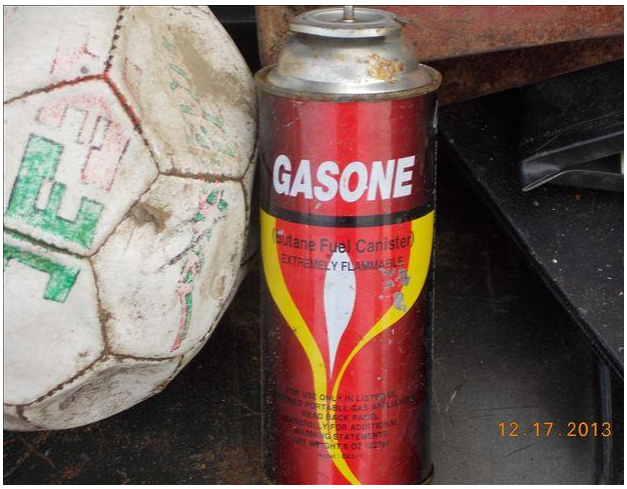
Date: 12/17/2013 12:44:56 PM
Canned food in piles of mixed material.

Date: 12/17/2013 12:45:43 PM
North area of property.

Date: 12/17/2013 12:47:49 PM
Applianced being removed from pile just north of building.

Date: 12/17/2013 1:31:39 PM
Pile of mixed material just north of building.

Date: 12/17/2013 1:32:17 PM
Mixed material north of building.



Date: 12/17/2013 1:33:03 PM
Flammable material found in pile of mixed material.

Date: 12/17/2013 1:36:08 PM
Pile of mixed material located at northeast area of property.

Date: 12/17/2013 1:45:56 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 1:46:04 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 1:46:21 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 1:46:21 PM

Date: 12/17/2013 1:47:01 PM

Date: 12/17/2013 1:47:01 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:02:49 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:02:49 PM

Date: 12/17/2013 2:02:55 PM

Date: 12/17/2013 2:02:55 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:02:58 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:02:58 PM

Date: 12/17/2013 2:03:02 PM

Date: 12/17/2013 2:03:02 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:03:05 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:03:05 PM

Date: 12/17/2013 2:03:08 PM

Date: 12/17/2013 2:03:08 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:48:38 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:48:38 PM

Date: 12/17/2013 2:48:50 PM

Date: 12/17/2013 2:48:50 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:48:58 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:48:58 PM

Date: 12/17/2013 2:49:04 PM

Date: 12/17/2013 2:49:04 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:49:09 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:49:09 PM

Date: 12/17/2013 2:49:16 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:49:20 PM
PHOTOS OF MATERIAL REMOVED FROM 2680

Date: 12/17/2013 2:49:26 PM
PHOTOS OF MATERIAL REMOVED FROM 2680

N MIAMI

Date: 12/17/2013 2:49:32 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

N MIAMI

Date: 12/17/2013 2:49:37 PM
Barb wire found within pile of mixed material at east side of property.

Date: 12/17/2013 2:49:52 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:49:55 PM
Discarded canned food

Date: 12/17/2013 2:50:03 PM

Date: 12/17/2013 2:50:07 PM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:50:13 PM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:50:19 PM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:50:27 PM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:50:35 PM

PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:50:45 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:50:58 PM
Northeast area of property almost clear.

Date: 12/17/2013 2:50:59 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:51:05 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:51:11 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 2:51:32 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:21:54 PM
Northeast area of property almost clear.

Date: 12/17/2013 2:51:32 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:22:08 PM
Northeast area of property almost clear.

Date: 12/17/2013 3:23:48 PM
West area of property.

Date: 12/17/2013 3:41:13 PM
PHOTOS OF MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:41:20 PM
FENCE INSTALLED

Date: 12/17/2013 3:42:04 PM
FENCE INSTALLED

Date: 12/17/2013 3:42:08 PM
FENCE INSTALLED

Date: 12/17/2013 3:42:27 PM
FENCE INSTALLED

Date: 12/17/2013 3:42:54 PM
FENCE INSTALLED

Date: 12/17/2013 3:42:58 PM
FENCE INSTALLED

Date: 12/17/2013 3:43:20 PM
FENCE INSTALLED

Date: 12/17/2013 3:43:51 PM
FENCE INSTALLED

Date: 12/17/2013 3:43:55 PM
FENCE INSTALLED

Date: 12/17/2013 3:44:16 PM
FENCE INSTALLED

Date: 12/17/2013 3:44:22 PM
Clearance of mixed material at south end of property.

Date: 12/17/2013 3:44:54 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:45:26 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:45:32 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:45:41 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:46:03 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:46:08 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:46:12 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:46:30 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:46:46 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:46:49 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:47:00 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:47:17 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:47:20 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:47:28 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:47:34 PM
MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/17/2013 3:51:51 PM
Northeast area of property almost clear.

Date: 12/17/2013 8:44:02 PM
Mixed material located at south area of property.

Date: 12/17/2013 8:47:35 PM
Mixed material located at southeast area of property.

Date: 12/17/2013 8:49:38 PM
Mixed material at south area of property.

Date: 12/17/2013 8:57:54 PM
PO's/Attorney's assistant in the public right of way during execution of abatement.

Date: 12/17/2013 9:20:51 PM
PO's/Attorney's assistant in the public right of way during execution of abatement.

Date: 12/17/2013 9:21:18 PM
PO's/Attorney's assistant in the public right of way during execution of abatement.

Date: 12/17/2013 10:41:58 PM
Area east of building.

Date: 12/18/2013 1:14:39 AM
Area east of building.

Date: 12/18/2013 1:47:41 AM
East area of property.

Date: 12/18/2013 1:48:27 AM
Barrel located at south area of property.

Date: 12/18/2013 1:48:37 AM
Baled and mixed material located at south area of property.

Date: 12/18/2013 3:04:41 AM
Pile of mixed material at south area of property.

Date: 12/18/2013 3:09:07 AM
Entire east area of property.

Date: 12/18/2013 3:48:07 AM
South area of property.

Date: 12/18/2013 4:19:43 AM
View from Brown Ave. facing north area of property.

Date: 12/18/2013 4:19:43 AM
Abatement completed. Photo taken of northwest area of property.

Date: 12/18/2013 4:20:55 AM
Abatement completed. Photo taken of northeast area of property.

Date: 12/18/2013 4:20:55 AM
View from Brown Ave. facing northeast area of property.

Date: 12/18/2013 4:38:55 AM
View from N. Miami Ave. facing west area of

Date: 12/18/2013 4:38:55 AM
Abatement completed. Photo taken of north area of

property.

Date: 12/18/2013 4:39:28 AM
Abatement completed. Photo taken of northwest area of property.

property.

Date: 12/18/2013 4:43:53 AM
Abatement completed. Photo taken of southwest corner of property.

Date: 12/18/2013 4:43:53 AM
Viewing south area of property.

Date: 12/18/2013 4:44:22 AM
Abatement completed. Photo taken of southwest corner of property.

Date: 12/18/2013 4:44:33 AM

Date: 12/18/2013 4:44:33 AM

Abatement completed. Photo taken of southwest corner of property.

Date: 12/18/2013 4:44:41 AM

Baled material at south area of property.

Date: 12/18/2013 4:45:12 AM

Abatement completed. Photo taken of southwest corner of property.

Date: 12/18/2013 4:45:12 AM

Abatement completed. Photo taken of south area of property.

Date: 12/18/2013 4:45:12 AM

Baled material at south area of property.

Date: 12/18/2013 4:45:25 AM

Material setback from property line at south area of property.

Date: 12/18/2013 4:45:25 AM
Abatement completed. Photo taken of setback area from materials to property line at south area of property.

Date: 12/18/2013 4:45:35 AM
Abatement completed. Photo taken of east area of property.

Date: 12/18/2013 4:45:35 AM
Entire east area of property.

Date: 12/18/2013 4:46:03 AM
Abatement completed. Photo taken of setback area of materials to building at south area of property.

Date: 12/18/2013 4:46:59 AM
Abatement completed. Photo taken of setback at south area of property. (Viewing east)

Date: 12/18/2013 4:50:03 AM
Abatement completed. Photo of north area of property. (Viewing east)

Date: 12/18/2013 4:50:41 AM
Abatement completed. Photo of north area of property.

Date: 12/18/2013 4:51:21 AM
Abatement completed. Photo of north/east area of property.

Date: 12/18/2013 4:51:35 AM
Abatement completed. Photo of setback area of materials to property line at north/east area of property.

Date: 12/18/2013 4:51:47 AM
Abatement completed. Photo of north area of property. (Viewing west)

Date: 12/18/2013 1:26:39 PM

Date: 12/18/2013 1:26:45 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:26:50 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:26:58 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:27:27 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:27:30 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:27:34 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:27:44 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:28:02 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:28:17 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:28:30 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 1:28:34 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:06:33 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:06:40 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:06:58 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:07:02 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:07:06 PM
MIXED MATERIAL REMOVED FROM 2680 N

Date: 12/18/2013 4:08:26 PM
MIXED MATERIAL REMOVED FROM 2680 N

MIAMI

Date: 12/18/2013 4:08:31 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

MIAMI

Date: 12/18/2013 4:08:36 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:10:49 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:12:02 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:12:11 PM

Date: 12/18/2013 4:12:15 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:12:22 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:12:26 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:13:00 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:13:05 PM

MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:13:10 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:13:13 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:15:41 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:15:49 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:16:23 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:16:28 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:20:09 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:20:14 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:20:19 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:20:24 PM
MIXED MATERIAL REMOVED FROM 2680 N MIAMI

Date: 12/18/2013 4:20:53 PM
MIXED MATERIAL REMOVED FROM 2680 N

Date: 12/18/2013 4:20:58 PM
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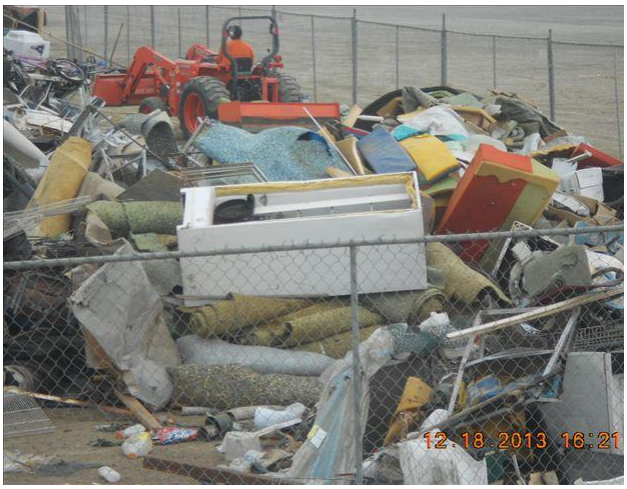

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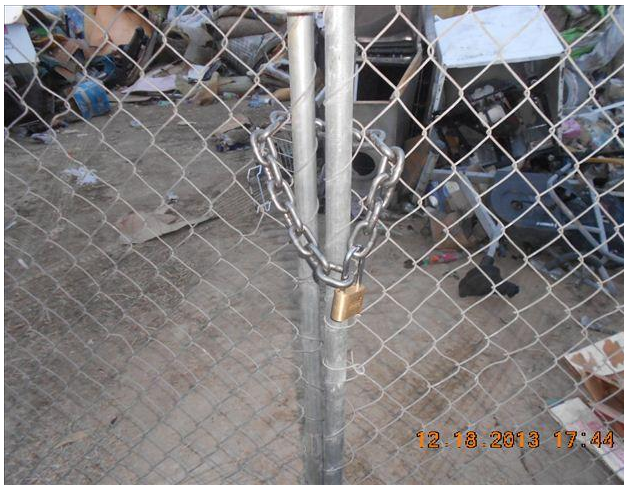

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Date: 2/5/2014 11:43:44 PM
Viewing new pile of foam and material stored near northwest gate of property.

Date: 2/5/2014 11:43:57 PM
Viewing new pile of foam and material stored near northwest gate of property.

Date: 2/5/2014 11:44:29 PM
Viewing new pile of foam and material stored near northeast gate of property.

Date: 3/6/2014 5:43:37 PM
Pile of foam material near semi trailer at west side of property.

Date: 3/6/2014 5:43:45 PM
Pile of foam material near semi trailer at west side of property.

Date: 3/6/2014 5:44:17 PM
Two trucks belonging to PO at north gate filled with foam material.

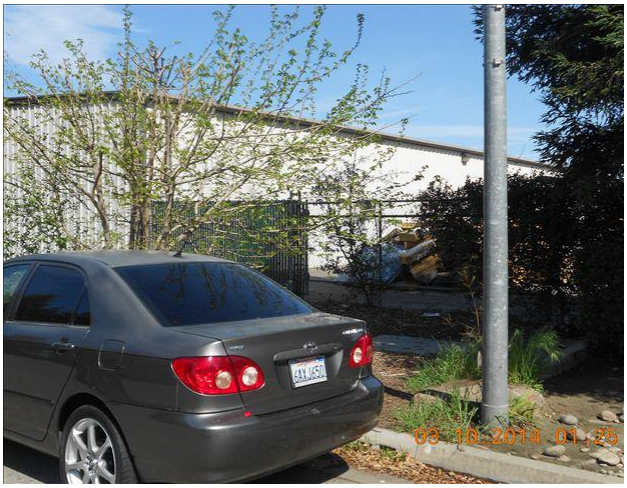
Date: 3/6/2014 5:44:26 PM
North gate. Foam in bed of pick up truck and material exceeding height of fence.

Date: 3/6/2014 7:27:34 PM
Viewing the south area of property from street.

Date: 3/6/2014 7:27:50 PM
Viewing northwest area of property.

Date: 3/6/2014 7:28:19 PM
Viewing trailer and foam products inside.

Date: 3/10/2014 1:23:34 AM
View of property from the east looking west along Brown Avenue.



Date: 3/10/2014 1:25:07 AM
View of the property looking north from the south along Miami Avenue

Date: 3/10/2014 1:25:20 AM
View of the property looking east from the south side of the property along Miami Avenue

Date: 3/10/2014 1:25:33 AM
View of the property looking northeast from the south along Miami Avenue

Date: 3/10/2014 1:25:49 AM
View of the property looking east from the north

Date: 3/10/2014 1:26:26 AM
View of the property looking south from the north

west corner of the property along Miami Avenue. Material which appears to be polyurethan foam is loosely stored in the ingress and egress area.

east corner of the property along Brown Avenue