

# NOTICE OF VIOLATION

## CITY OF PALM SPRINGS Police Department

200 South Civic Drive, PO Box 1830, Palm Springs CA 92263

DELIVERED VIA POSTING ON SUBJECT PROPERTY, & FIRST-CLASS MAIL AND CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED TO INTERESTED PARTIES

Date of Issuance:

July 21, 2020.

Case No.:

CE190620.

Subject Property:

1875 North Palm Canyon Drive  
Palm Springs, California 92262  
APNs: 504-310-027; 504-310-027-6

Legal Description:

PARCEL 1 OF PARCEL MAP NO. 12937, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 94, PAGES 51 TO 53, INCLUSIVE OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

Compliance Deadline:

September 18, 2020 (60 Days).

Interested Parties:

See attached mailing list.

To All Interested Parties:

This Notice of Violation is issued pursuant to Chapter 11.72 of the Palm Springs Municipal Code ("PSMC") and California Health and Safety Code ("HSC") section 17980 et seq. It has been determined by officials for the City of Palm Springs ("City") that your property at the address identified above ("Subject Property") contains unlawful conditions that constitute a public nuisance and that pose a substantial danger to the health, safety, and general welfare of

the occupants, the surrounding community, and the public. These unlawful conditions are in violation of multiple provisions of law, including, but not limited to, the PSMC and the HSC.

The following unlawful conditions have been identified on the Subject Property (this may not be an exhaustive list of all violations and the City of Palm Springs retains the right to identify further violations as they are discovered):

CODE	DESCRIPTION
<p>Vacant Buildings/ Blighted Property: PSMC 8.80.200</p> <p>Substandard Building/ General Dilapidation or Improper Maintenance: HSC 17920.3(a)14; HSC 17920.3(c); HSC 17920.3(k); CBC 116.1</p> <p>Substandard Building/ Structural Hazards: HSC 17920.3(b)(1); HSC 17920.3(b)4</p>	<p>The Subject Property contains incomplete or partially constructed buildings and numerous unsafe public nuisance conditions that pose a risk to the health and safety of the community and the general public. The structure located on the Subject Property is manifestly unsafe due to incomplete construction and improper maintenance. The structure is uninhabitable.</p> <p>Resume and complete construction to abate the violations, or demolish the structure on premises.</p>
<p>Property Maintenance Required/ Removal of Junk, Debris, and Other Materials: PSMC 93.19.00 (Zoning Code)</p> <p>Substandard Building/ Exterior Accumulations Constituting Fire, Health, or Safety Hazard: HSC 17920.3(j)</p>	<p>The Subject Property contains exterior accumulations of junk, debris, construction materials, personal property, refuse, waste matter, and/or improperly stored building materials. An accumulation of these items is a fire hazard and can serve as a harborage for vermin.</p> <p>Remove all junk, debris, construction materials, personal property, refuse, waste matter, and improperly stored building materials from premises.</p>
<p>Property maintenance required/ Landscaping: PSMC 93.19.00 (Zoning Code)</p> <p>Substandard Building/ Exterior Accumulations Constituting Fire, Health, or Safety Hazard: HSC 17920.3(j)</p>	<p>The Subject Property contains overgrown weeds, and dead vegetation that constitute a fire, health, or safety hazard. Dead vegetation increases the intensity of and facilitates the spread of fire.</p> <p>Maintain landscaping throughout the premises.</p> <p>Remove all dead/dry vegetation and overgrown weeds.</p>

CODE	DESCRIPTION
<p>Substandard Building/ Faulty Weather Protection: HSC 17920.3(g)2; 17920.3(g)3</p>	<p>The Subject Property contains inadequate weather protection which constitutes a health and safety hazard. Inadequate weathering can result in water damage, wind damage, and other weather related damages that can bring about the wear and deterioration of the structure located on the Subject Property. Resume construction to rehabilitate, repair, or demolish the structure on the premises. Should the structure remain on the property, properly weatherproof all exterior walls, roofs, foundations, floors, windows, and doors.</p>
<p>Uniform Code for the Abatement of Dangerous Buildings. Section 302<sup>1</sup> (as incorporated by PSMC 11.72.160)</p> <p>(12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.</p> <p>(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.</p>	<p>The building has been substantially demolished/destroyed and has remained in a state of partial demolition/destruction for well over six months. The building itself remains open, which amounts to an attractive nuisance at which unlawful activities can occur.</p>

Pursuant to the PSMC and HSC, the structures on the Subject Property are dangerously substandard and constitute public nuisances.

Therefore, pursuant to PSMC section 11.72.200 and HSC section 17980.6, you are hereby ordered to repair, demolish or abate all code violations on the Subject Property, including, but not limited to, all unlawful conditions identified herein. **Work to abate these unlawful conditions must begin immediately and must be completed within 60 calendar days from the date of this Notice of Violation ("Compliance Deadline") or you will be subject to further legal action.**

Repair, demolition or abatement of some of the unlawful conditions identified above may require you to obtain air quality, building, and demolition permits. You are obligated to obtain

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<sup>1</sup> Copy enclosed.

these permits in time to complete the rehabilitation of the Subject Property by the Compliance Completion Deadline.

The legal consequences for failure to initiate rehabilitation or demolition and correct the unlawful conditions identified above by the Compliance Deadline may include abatement (i.e., demolition) by the City or its contractors, misdemeanor criminal penalties, further administrative fines, a civil (court) action, an application for the appointment of a receiver over the Subject Property, or any combination of the foregoing. Furthermore, should the violations listed above not be remedied within the time period specified in this notice, you will be charged a fee equal to the City's actual cost and expense of abatement, which shall include all fees and costs incurred by the City in obtaining voluntary or involuntary compliance, including, but not limited to, subsequent inspection costs, staff time, abatement costs, overhead, and legal expenses, including attorneys' fees. The City may record a nuisance abatement lien or may make the cost of abatement a special assessment against the Subject Property. A current schedule displaying fees for enforcement activities are as follows: (1) general staff and inspection time @ \$101.00 per hour, and (2) City Attorney time @ \$200 per hour.

Pursuant to HSC section 17980.6(c), you are hereby notified that you cannot retaliate against lessees of the Subject Property pursuant to Civil Code section 1942.5. Pursuant to HSC section 17980(d), you are hereby notified that, in accordance with Revenue and Taxation Code sections 17274 and 24436.5, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in this taxable year for the Subject Property.

In accordance with Chapter 11.72 of the PSMC, this Notice of Violation may be appealed to a hearing officer. Any such appeal must be in writing and filed with the City Clerk within 10 days following the date this Notice of Violation was issued. The notice of appeal must set forth the appellant's full name and mailing address, the specific action appealed from, the grounds for the appeal and the relief sought; and must include payment to the city clerk of the appeal fee, as set in the comprehensive fee schedule. Absent a contrary determination incident to an appeal, the responsible party remains obligated to comply with this Notice of Violation.

If you have any questions regarding this Notice of Violation, you may contact the undersigned.



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Fernando Gomez  
Code Compliance Officer  
City of Palm Springs  
760-323-8116, extension 8752

**PROOF OF SERVICE BY MAIL  
OF  
NOTICE OF VIOLATION**

I, Fernando Gomez, DECLARE THAT:

I AM A CITIZEN OF THE UNITED STATES OVER THE AGE OF EIGHTEEN YEARS;  
THAT I AM EMPLOYED WITHIN THE COUNTY OF RIVERSIDE, CALIFORNIA, BY THE  
CITY OF PALM SPRING AND MY BUSINESS ADDRESS IS:

200 South Civic Dr, Palm Springs, CA 92262;

THAT I DELIVERED VIA POSTING ON SUBJECT PROPERTY, & MAILED VIA FIRST-  
CLASS MAIL AND CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED TO  
INTERESTED PARTIES, A NOTICE OF VIOLATION;

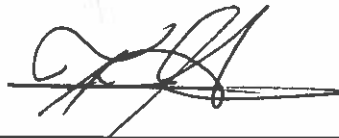
THAT SUCH NOTICE WAS MAILED IN THE MANNER PRESCRIBED BY LAW TO ALL  
PROPERTY OWNERS OR PERSONS HOLDING LEGAL INTEREST ON THE ATTACHED  
MAILING LIST; AND

THAT SUCH NOTICE WAS DEPOSITED, POSTAGE PREPAID, IN THE UNITED STATES  
MAIL, AT THE FOLLOWING ADDRESS:

3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

AT 3:30 PM, ON THIS 21 DAY OF JULY, 2020.

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND  
CORRECT AND WAS EXECUTED ON JULY 21, 2020 AT Palm Springs, CALIFORNIA.



A handwritten signature in black ink, appearing to read 'F. Gomez', is written over a horizontal line. Below the line is a small dash.

## MAILING LIST

1875 N. Palm Canyon Partners II, LLC  
1875 North Palm Canyon Drive  
Palm Springs, California 92262

1875 N. Palm Canyon Partners II ,LLC  
2 Park Plaza, Suite 840  
Irvine, California 92614

1875 N. Palm Canyon Partners II, LLC  
% James Turco  
100 Spectrum Center Drive, Suite 530  
Irvine, California 92618

Xueling Zhang  
19668 Three Oaks Lane  
Walnut, California 91789

JM Investment Group, LLC  
% James Turco  
100 Spectrum Center Drive, Suite 530  
Irvine, California 92618

Dong Li  
19668 Three Oaks Lane  
Walnut, California 91789

The Evergreen Advantage, LLC  
% California TD Specialists  
Attn: Patricia Matamoros  
8190 East Kaiser Boulevard  
Anaheim Hills, California 92808

The Evergreen Advantage, LLC  
% Dan Zuckerman  
1424 4th Street, Suite 777  
Santa Monica, California 90401

## Chapter 3 DEFINITIONS

### SECTION 301 — GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

**BUILDING CODE** is the *Uniform Building Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

**DANGEROUS BUILDING** is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

**HOUSING CODE** is the *Uniform Housing Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

### SECTION 302 — DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.