



## Staff Report

**TO:** Administrative Hearing Officers  
**FROM:** Christina Taylor, Community Development Director  
**DATE:** April 22, 2021  
**SUBJECT:** **Notice of Hearing to Abate Public Nuisance: Code Case 001038-2020**  
**1421 Faircliff Street (APN 428-100-028)**  
**OWNER(S):** Nneka Iloputaife

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### **Background and Analysis:**

#### **Beaumont Municipal Code**

The Beaumont Municipal Code is the compilation of regulatory, penal and administrative ordinances by which the City is governed. The Municipal Code is essentially one component of the laws of the City.

Beaumont Municipal Code Chapter 1.17 Administrative Code Enforcement lays out the purpose, intent and procedures for enforcement of the Beaumont Municipal Code. Code Enforcement (Community Enhancement) is one of the departments that is charged with carrying out this responsibility.

#### **Case Background and Information**

In June 2014, the property at 1421 Faircliff Street (APN 428-100-028), herein after referred to as "the property", applied for a permit for a structural addition of 2,780 square feet with extensive interior remodeling. On May 1, 2017, permit BP2017-00691 was issued for the addition and the remodel. On July 16, 2018, an inspection was conducted and determined a reinspection was needed. Subsequent inspections were conducted on July 19, 2018, August 7, 2018 and August 13, 2018 all requiring reinspection. An inspection was scheduled for August 15, 2018 but was not conducted due to no one answering at the residence.

On June 4, 2019, a letter was sent stating permit BP2017-00691 had expired. On September 4, 2019, the City's Building Official visited the property at Mr. Iloputaife's request. On September 10, 2019, the City's Building Official sent a letter summarizing the visit and providing the following corrective measures:

*There are a few things worth noting in order for you to proceed with your project considering the direction and scope of work already performed. The areas in which you have undertaken work which are not covered by the approved plans will require City approval before proceeding with construction or inspection of those areas.*

- *The front has a 2nd story dormer pop-out which has been enlarged into an enclosed room. This area has lateral design issues with improper seismic bracing as currently constructed. Due to the amount of glazing added, energy efficiency must be addressed with revised T-24 energy calculations.*
- *The rear deck has been covered by a solid 2nd story roof of over 400 sf which is not on the approved plans. Lateral structural support for this area is lacking which should be addressed with structural calculations. Also, the roof joists may be overspanned unless the grade lumber used is select structural. The tie-in from the patio roof to the house is not visible and the out-of-plane (pull away) connection should be detailed in the revised plans and verified.*
- *The stair rise/run doesn't comply with Code since the steps were noticeably inconsistent when walking them. This is simply worth noting so they can be corrected at framing stage rather than at a later date.*

*In order to proceed, revised plans should be prepared indicating the increased scope of work. Structural calculations and T-24 energy calculations will also be needed. Once approved, an additional permit (or addendum) will be issued to allow the additional areas to be constructed. Prior to investing any substantial design team time, I recommend that either you or your design professional visit the Planning Division with schematics of the increased areas to make sure heights, areas, and setbacks will comply with the Zoning Ordinance, prior to incurring design costs.*

A copy of this letter is included as an attachment to this report. On March 18, 2020, another letter was sent stating permit BP2017-00691 was expired. There is no record of Building and Safety inspections beyond this date.

On March 19, 2020, as a follow up to the expired permit, Code Enforcement provided a Courtesy Notice for the following issues:

**8.32.060 - Building Code violations;** All premises, both permanent and temporary, including, but not limited to, buildings, structures, or appendages, maintained in violation of the uniform building codes adopted by the City pursuant to Sections 15.04.010, 15.08.010, 15.12.010, 15.16.010, 15.17.010 and 15.20.010 of the Beaumont Municipal Code, or subject to any of the following conditions, are declared a public nuisance.

**8.32.070 - Zoning ordinance violations;** Any premises, including, but not limited to, any building, sign or other structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of the City's zoning ordinance, as amended, and any use of premises, including, but not limited to, land or building, established, conducted, operated or maintained contrary to the

provisions of the City's zoning ordinance, as amended, is declared a public nuisance. Any and all uses not expressly permitted in the City's zoning ordinance, as amended, are not permitted, and are declared a public nuisance.

Upon observation of the premises, the following additional violations were noted:

**8.20.020 Nuisance vehicles;** The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

**8.32.030 Refuse & Waste;** *"Refuse and waste matter"* is defined for the purpose of this Chapter as unused -or discarded matter or material; having no substantial market value, and which consists of such matter and material as rubbish refuse, debris, and matter of any kind, (including, but not limited to, rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and other pieces of metal, ferrous or nonferrous, furniture or parts thereof, trimmings from plants or trees, cans, bottles and barrels. Refuse and waste matter as defined which by reason of its location and character is unsightly and, interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community, or which would materially hamper or interfere with the prevention or suppression of fire upon the premises is declared a public nuisance.

**8.32.050 - Sewage on ground;** It is declared a nuisance to permit any part of the contents of any privy, vault, cesspool, septic tank, water closet, urinal, pipe, sewer line, or any sewage, slop water or any other filthy water, matter or substance, to flow or discharge upon the ground or upon the surface of any premises, or in any public street or other public place.

**8.32.110 Insect and Vermin;** Any premises, including, but not limited to, any building, vacant lot, setback, yard, vehicle, or place, maintained in such a manner as to permit the breeding or harboring therein or thereon of flies, bedbugs, cockroaches, black

widow spiders, lice, fleas, termites or any other insects or vermin is declared a public nuisance.

**8.32.180 Premises Maintenance;** Maintenance of premises in such a condition so as to cause significant diminution in use, enjoyment, or value of adjacent premises; or in such a condition so as to be detrimental to the public health, safety, or general welfare; or in such a condition so out of harmony or conformity with the maintenance standard of adjacent premises as to cause substantial diminution of the enjoyment, use or property values of such adjacent premises is declared a public nuisance.

**17.06.100F, Parking on yard prohibited;** Rear yards shall not be used for off-street parking of vehicles.

**8.32.210 - Salvage materials;** Any lumber, junk, trash, debris, refuse, waste matter or other salvage materials visible from a public right-of-way or adjoining premises is declared a public nuisance.

Upon reinspection of the property by Code Enforcement, all issues with the exception of Building Code and Zoning Violations had been remedied.

In January 2021, Code Enforcement again observed construction at the property. Upon checking with Building and Safety, it was determined there was no active permit on file for the construction taking place. Code Enforcement issued a citation for **8.32.060 Building Code Violations** and **8.32.070 Zoning Ordinance Violations** on January 7, 2021.

Since the January 7, 2021, Code Enforcement continued citations as allowed per the Beaumont Municipal Code. On February 26, 2021, a formal stop work notice was posted at the property after scaffolding was observed installed at the property. Between February 26, 2021 and April 20, 2021, City staff had telephone and email communication with Mr. Iloputaife. Staff sent a letter to Mr. Iloputaife on March 19, 2021, providing a path to compliance. As of April 20, 2021, compliance has not been achieved. Pictures showing the progression of unpermitted work, a list of citations and City correspondence are included as attachments to this report.

**Recommended Action:**

Staff recommends the Administrative Hearing Panel:

- 1) Require compliance be achieved for the unpermitted construction at 1421 Faircliff Street (APN 428-100-028) within 30 days; and
- 2) Approve staff to either begin the abatement process or begin the receivership process if compliance is not achieved within 30 days.

**Attachments:**

- A. Location Map
- B. Photos
- C. List of Citations
- D. September 10, 2019 Letter
- E. March 19, 2021 Letter