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19-0160-573

September 6, 2019

PROTEST

Clerk of the Council
OFFICE OF THE CITY CLERK
200 N. Spring Street
Room 395
Los Angeles, CA 90012

RECEIVED
CITY CLERK'S OFFICE
2019 SEP - 6 PM 12: 18
BY [Signature] DEPUTY
CITY CLERK

RE: Written Protest on Lien Hearing
Case No. : 836897
Property Location : 14451 W. Nordhoff Street
Lien Hearing Date : September 17, 2019
Our Client/Responsible Person : Alber G., LLC & 4 Semillas, LLC

Dear City Clerk:

This office has been retained to represent the interest of Alber G., LLC & 4 Semillas LLC, owners of the subject property located at 14451 W. Nordhoff Street, Los Angeles, CA 91402, in the above referenced matter.

This correspondence will serve as Alber G., LLC & 4 Semillas LLC written protest to the proposed confirmation of the lien scheduled to be addressed at the Notice of Hearing on September 17, 2019.

Simultaneously, this office has also submitted a CLAIM OF LADBS LIEN PROCESSING ERROR on Thursday, September 5, 2019 regarding the same issues. (Exhibit "A")

It is the belief and contention of Alber G., LLC & 4 Semillas LLC that the subject lien amounts are invalid in that there was a lack of notice as required by LAMC 91.8903.1.1 and LADBS Failure to Provide Statement of Intent pursuant to LAMC 98.0713.

Improper Notice

It is the belief and understanding of Alber G., LLC & 4 Semillas LLC that LADBS failed to provide proper Notice to Responsible Party. Specifically, LAMC 91.8903.1.1 states in pertinent part:

“Whenever the Department determines that any building, structure, or premises is within the scope of this division, the Department shall issue an order to the owner as shown in the last equalized assessment roll.

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September 6, 2019

The order shall specify the conditions which cause the building or premises to be within the scope of this division; whereupon the owner or owner's agent shall obtain the necessary permits and abate the deficiencies in accordance with LAMC Subdivision 91.8903.1.2.

The order shall also require that the owner maintain the vacant buildings or structures vacant until they are repaired or demolished.”

Alber G., LLC & 4 Semillas LLC contend that they never received Notice pursuant to LAMC 91.8903.1.1. The first Notice they received was attached to the perimeter fencing dated December 6, 2019. (Exhibit “B”).

Compliance with LAMC 91.890.1.2

Assuming that LADBS provided Notice, LAMC 91.890.1.2 provides for a Compliance period by the Alber G., LLC & 4 Semillas LLC. Specifically, LAMC 91.890.1.2 states in pertinent part:

“Within 30 days after notice is given, the owner or the owner’s agents shall obtain the necessary permits and shall commence work to abate the deficiencies. All necessary work shall be completed within 90 days after such notice is given.”

In this particular matter, even though Alber G., LLC & 4 Semillas LLC did not receive Notice, it secured a Demolition Permit on December 4, 2019 bearing Application No. 1809-20000-05946. (Exhibit “C”). Pursuant to the Demolition Permit, Alber G., LLC & 4 Semillas LLC is to Post Notice of Demolition on site for thirty (30) days prior to the commencement of any demolition. Alber G., LLC & 4 Semillas LLC posted the Notice of Demolition on December 4, 2019. (Exhibit “D”) On December 6, 2019, two (2) days later, LADBS posted a Notice of Order to Abate adjacent to the Notice of Demolition. (Exhibit “B”) To suggest that Alber G., LLC & 4 Semillas LLC were not in compliance is in error. On the contrary, Alber G., LLC & 4 Semillas LLC did everything it can to demolish the structure as quickly as possible.

In the instant matter, even assuming that LADBS is relying on the Notice of December 6, 2019, Alber G., LLC & 4 Semillas LLC complied with LAMC 91.890.1.2 in that the entire structure was demolished on January 7, 2019 well within time period provided by the code.

LADBS Failure to Provide Statement of Intent

LAMC 98.0713 states in pertinent part:

“ (a) The Superintendent shall create and make available a form entitled “Statement of Intent” to be completed by the Responsible Person.

(b) The Responsible Person shall complete the information required on the standard Statement of Intent and submit the Statement to the City within 30 days of the date the Superintendent determines that the structure meets the definition of a Vacant Structure.

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(c) The Superintendent shall determine whether a submitted Statement of Intent is complete and may require the Responsible Person to provide more complete information.

(d) When a submitted Statement of Intent does not meet with the Superintendent's approval, the Responsible Person shall immediately correct and resubmit the Statement of Intent.

(e) The Statement of Intent shall include all of the following information as to:

(1) expected period of vacancy; and

(2) a plan for regular maintenance during the period of vacancy; and

(3) a plan and time line for the lawful occupancy, rehabilitation or demolition of the barricaded structure; and

(4) any additional information required by the Superintendent.

(f) It is unlawful to:

(1) fail to submit a Statement of Intent within the time period specified by Subsection (b) of this section; or

(2) submit a Statement of Intent which does not meet with the approval of the Superintendent or otherwise comply with the requirements of this section."

Alber G., LLC & 4 Semillas LLC contend that LADBS failed to create and make available a form entitled "**Statement of Intent**" to be completed by the Alber G., LLC & 4 Semillas LLC as required by LAMC 98.0713. More importantly, had Alber G., LLC & 4 Semillas LLC been provided with a Statement of Intent it would have provided Notice with a "plan and time line ... or demolition of the barricaded structure". In fact, it would have been advised that demolition permits had been secured.

In conclusion, it is the belief and contention that LADBS failed to comply with:

- LAMC 91.8903.1.1
- LAMC 98.0713

Consequently, Alber G., LLC & 4 Semillas LLC contends that:

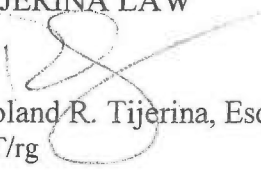
- LADBS Report of Abate of a Public Nuisance is improper
- Lien Hearing set for September 17, 2019 be continued until the issue of LADBS error be resolved

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September 6, 2019

Thank you for your courtesy and cooperation in this matter. Should you have any questions or comments regarding the same, please do not hesitate to contact me at your earliest convenience.

Very truly yours,

TIJERINA LAW



Roland R. Tijerina, Esq.
RT/rg

EXHIBIT A



CLAIM OF LADBS LIEN PROCESSING ERROR

Lien Hearing Date 09/17/2019 Lien Property Address 14451 W. Nordoff Street, Los Angeles

Invoice No. 771242-5;774327-4;774336-2; 7743 41-8 Customer Account No. 280142674-6

This case has been thoroughly reviewed by LADBS and has determined that the proposed lien is ready to be confirmed by the City Council. Your allegation of lien processing error must be substantiated by evidence or your request will not be accepted.

LADBS has no authority or discretion to reduce the lien amount or stop the lien process unless evidence demonstrates that a processing error was made. Even if your request is denied and the lien is confirmed by the City Council, LADBS will cancel a lien if it is demonstrated at a later date that a processing error was made.

HAVE YOU SUBMITTED ANY CLAIMS OF ERROR BY LADBS IN THE PAST? Yes [] No [X] IS THIS CLAIM DIFFERENT? IF YES, PLEASE EXPLAIN:

DID YOU PROTEST THE LIEN IN WRITING TO THE CITY CLERK 10 DAYS PRIOR TO THE HEARING? Yes (Department orders include the name and phone number of the inspector if the recipient has questions.) DID YOU CONTACT THE INSPECTOR? Yes IF YES, WHAT WAS HIS/HER RESPONSE? Submit attach Claim of LADBS Lien Processing Error and submit written protest to City Clerk

DID YOU PREVIOUSLY UTILIZE YOUR RIGHT TO APPEAL ANY ERROR OR ABUSE OF DISCRETION IN REGARDS TO ANY ORDER? No IF YES, WHAT WAS THE OUTCOME?

STATE THE ERROR THAT YOU BELIEVE OCCURRED IN THIS LIEN PROCESS AND REFER TO YOUR EVIDENCE: LADBS failed to comply with LAMC 91.8903.1.1 & 98.0713 (See attached petition)

I AM SUBMITTING THE FOLLOWING DOCUMENT(S) AS EVIDENCE OF THE ERROR: See Attached Petition with Exhibits

REQUEST MUST BE SIGNED BY THE OWNER

Albert Gonzalez Owner's Name [Signature] Owner's Signature 09/05/2019 Date

Owner's Address: c/o 2000 E. Fourth Street Santa Ana, CA 9705

Phone Number: (714) 667-8234 Email Address: roland@tjeralaw.net

NOTE: This form must be returned at least seven (7) calendar days prior to the date of the scheduled hearing. Return this form and substantiating evidence to Sr. Inspector Brian Hauff at 221 N. Figueroa St., 11th floor, Los Angeles, CA 90012 or email at ladbs.cebliegenreview@lacity.org. For questions, call (213) 252-3926.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

EXHIBIT B

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

YAN AMBATHIOS
PRESIDENT
TELECIA BRANNON
VICE-PRESIDENT
JUSTYN GEAGA-RO
GEORGE HOVAG
JAVIER N

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
315 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

FRANK BUSH
GENERAL MANAGER
OBAMA YOUNG
EXECUTIVE DEPUTY

NOTICE OF ORDER TO ABATE VACANT STRUCTURE,
NOTICE OF FEE, AND FILE STATEMENT OF INTENT

ALBER G, LLC & SIMULAS LLC
C/O FLORA ALARCON
11249 VINEDALE ST
SUN VALLEY, CA 91352

CASE #: 836897
ORDER #: A-4880537
EFFECTIVE DATE: December 06, 2018
COMPLIANCE DATE: December 16, 2018
COUNCIL DISTRICT: 6

OWNER OF
ADDRESS: 14451 W NORDHOFF ST
PARCEL NO: 2639-010-009
DESCRIPTION: SINGLE FAMILY DWELLING.

It is determined that the property (Site Address) listed above and/or structures thereon were found to be vacant. A "Vacant Structure" is defined as a structure that: 1) is unoccupied or occupied by unauthorized persons; and 2) is unsecured or barricaded. This determination is made pursuant to Sections 91.8904 and 98.0700 et seq of the Los Angeles Municipal Code (L.A.M.C.).

A CODE VIOLATION INSPECTION FEE (C.V.I.F) OF \$ 356.16 (\$336 fee plus a six percent Systems Development Fee) WILL BE BILLED TO THE PROPERTY OWNER. The invoice/notice will be sent to the owner as it appears on the current assessment roll. Section 98.0421 L.A.M.C.

IF YOU FAIL TO PAY THE C.V.I.F. WITHIN 30 DAYS OF THE INVOICE DATE OF THE BILL NOTED ABOVE WILL RESULT IN A COLLECTION FEE OF TWO (2) TIMES THE C.V.I.F. PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF \$1,176.00. If you fail to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of 10 percent per month.

Unsecured or barricaded structures or vacant lots cause deterioration and instability in the neighborhoods where they are located. These types of structures/vacant lots are considered nuisances that often attract criminal activity, which threatens the safety and welfare of the residents and surrounding properties. A "Notice of Nuisance - Abatement Proceedings" will be recorded with the County Recorder.

ACTIONS REQUIRED OF YOU

- 1. Within ten (10) consecutive calendar days of the effective date of this Notice, you are required to perform the following:
Remove all waste, rubbish, debris, flammable, combustible or hazardous materials from the interior of the structure(s), and all waste, rubbish, debris, excessive vegetation, inoperable vehicles, trailers, appliances and other similar materials from the property. Maintain the structure/parcel of land clean and secure; and, comply with any additional requirements indicated in this notice. L.A.M.C. Section(s) 98.0706.(a) and 98.0706.(b)

Barricade all doorways, windows, damaged walls, roof, foundations or exterior openings in accordance with the enclosed Barricade Specifications. All exterior barricade material shall be uniformly covered with paint of similar color of the exterior of the building. Maintain the structure/parcel of land clean and secure; and, comply with any additional requirements indicated in this notice.

Under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon reasonable accommodation to ensure equal access to its programs, services and activities.



CODE ENFORCEMENT BUREAU
For routine City business and non-emergency services: Call 3-1-1
www.ladbs.org

EXHIBIT C



**City of Los Angeles
Department of Building
and Safety**

Current
Version
1

Demolition Pre-Inspection Report

Address: **14451 W NORDHOFF ST**

19019-20000-06092

Council District: **6**

Permit Application: **18019-20000-05946**

Work Description:

DPI & POSTING FOR: SFD AND DETACHED GARAGE - Note: site is not accessible, pls call.

Inspector/Telephone: **JOHN HAYES, (818) 374-1176**

Inspection District: **VN**

Inspection Date: **12/06/2018**

Description of Work: DPI & POSTING FOR: SFD AND DETACHED GARAGE - Note: site is not accessible, pls call.

Number of Building(s) to Demo: **2**

Is Address Correct? **yes** If No, Enter Correct Address:

Plot Plan: **OK as provided** If Not Accurate, Why?

SEWER INFORMATION: **Public**

SEWER CAP: **Required**

PEDESTRIAN PROTECTION: **Fence**

Building	Basement	Exterior Wall Construction	No. of Stories	Height (Feet)	Type of Construction
Building 1	Unknown		1	17'	V
Building 2	Unknown	Stucco	1	13'	V

ADJACENT BLDG INFO

Nly Side: **14464 TERRA BELLA**

7/2

S89°52'10"E

131.42'

PL

SITE ADDRESS:
14451 NORDHOFF STREET,
LOS ANGELES, CA 91402

LOT 30 TRACT 11458
A.P.N.: 2639-010-009

DEMOLITION PLOT PLAN

SCALE: 1" = 20'



180.16'

200.95'

WAKEFIELD AVENUE

PL

PL

WAKEFIELD AVENUE

17'

N00°07'50"E

EXISTING S.F.R.
TO BE DEMOLISHED

EXISTING GARAGE
TO BE DEMOLISHED

23'

N00°32'12"E

CAP EX. SEWER

N89°27'48"W

PL

110.14'

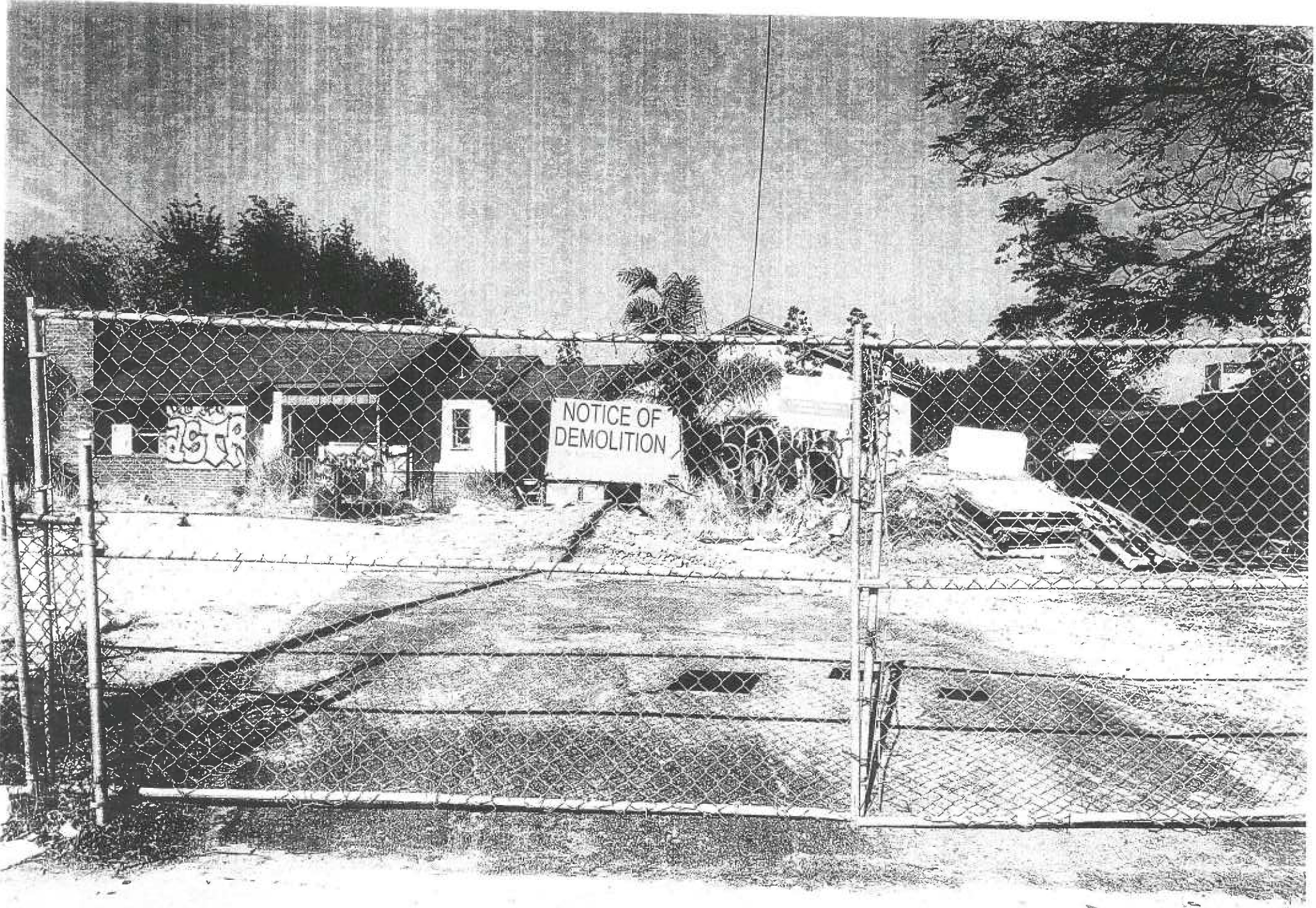
EX. H.C.

NORDHOFF STREET

919-2-00092

1 of 2 ✓

EXHIBIT D



NOTICE OF
DEMOLITION

257R

LIVE

