



# STAFF REPORT

## CITY of YORBA LINDA

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### COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** FEBRUARY 18, 2025

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** NATE FARNSWORTH, COMMUNITY DEVELOPMENT DIRECTOR  
**PREPARED BY:** BOBBY AVINA, SENIOR COMMUNITY PRESERVATION OFFICER

**SUBJECT:** PUBLIC HEARING AND ABATEMENT BY CITY FOR 4082 VALLEY VIEW AVE (APN 323-011-85 AND 323-011-86)

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### RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 2025-5929 declaring that the lack of property maintenance, allowing dead, overgrown weeds and vegetation upon or in front of the indicated property, constitute a public nuisance and ordering abatement thereof.

### BACKGROUND/DISCUSSION

Over the past five years, Community Preservation has sent more than 30 notices and seven citations regarding the lack of maintenance on the vacant parcels located at 4082 Valley View Ave (APN 323-011-85 and 323-011-86). After several notices or citations, the owner would eventually get the lots maintained. These properties receive regular complaints from neighbors in the area concerned about fire prevention. It is important to note that this property is not a part of the City's annual weed abatement program; therefore, it is simply treated as a property maintenance issue when complaints arise.

In 2023, the property was sold to a new owner. Since the last sale, no action has been taken by the new owner to remedy the issues. Most recently, Community Preservation staff sent out a Final Notice on August 20, 2024; however, the notice was returned as undeliverable. Unfortunately, no email or phone numbers are available. Therefore, the case was referred to the City Attorney's Office. On November 27, 2024, a Notice from the City Attorney's Office was sent to the address on file and posted on the property; however, the mail was again returned as undeliverable. To date, these parcels remain in violation and continue to be a public nuisance as well as a potential fire hazard.

Section 8.04.070 of the Municipal Code states: If a nuisance is not completely abated by the owner as directed within the thirty-day period, the City shall immediately cause the same to be abated by the City personnel or private contract, and the personnel or persons under contract are expressly authorized to enter upon the premises for such purposes. The owner of the premises shall be liable to the City for all costs of the abatement, including administrative costs.

**PUBLIC HEARING AND ABATEMENT BY CITY FOR 4082 VALLEY VIEW AVE (APN 323-011-85 AND 323-011-86)**

Page | 2

Pursuant to Section 8.04.080 of the Municipal Code, “The personnel or persons who abate a nuisance pursuant to this chapter shall keep an account of the cost of abatement. The personnel or persons shall submit to the City Council for confirmation an itemized written report showing the costs. The City Council may modify the report if it is deemed necessary and shall then confirm the report by motion or resolution.”

Pursuant to Sections 25845 and 38773.5 of the Government code of the state, the total cost of abatement, including all administrative costs, shall constitute a special assessment against that parcel. After the assessment is made and confirmed, it is a lien on the parcel. The special assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary municipal taxes.

At the February 4, 2025 City Council meeting, a resident spoke during public comments and expressed her frustration with the amount of time it has taken to obtain compliance with this specific property. She requested the City’s help in obtaining compliance and that the City review its code enforcement procedures and find ways to expedite the process. The City recently hired a new Senior Community Preservation Officer, who has already begun the process of analyzing the City’s Code Enforcement Manual to find ways to expedite the process especially when it is related to safety matters and repeat violators.

**FISCAL IMPACT**

Three bids to perform the abatement were requested and the lowest bid came in at \$1,240.80 with Nieves Landscape, Inc. As described above, a lien will be placed on the property and will be recovered upon sale of the property.

**ALTERNATIVES**

The City Council may direct the City Attorney’s Office to file a Criminal Complaint and proceed through the Court process; however, this process is a much lengthier and more expensive process. It also would delay the process of property maintenance, which is the primary concern related to this property.

**ATTACHMENTS**

1. Exhibit A - Map
  2. Exhibit B - Notices
  3. Exhibit C - Photos
  4. Exhibit D - Citations
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