

**CITY OF TEMPE  
HEARING OFFICER**

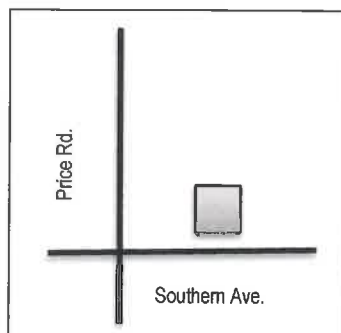
Meeting Date: 07/18/2023  
Agenda Item: 4

**ACTION:** Request approval to abate public nuisance items at the Kalalau LLC Property located 3239 S. Lebanon Lane. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$1410 for abatement request: front yard landscape cleanup.

**RECOMMENDATION:** Staff – Approval of 180-day open abatement

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the KALALAU LLC PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE227746: front yard landscape cleanup.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Kalalau LLC / Mark J. McIntyre  
City of Tempe – Code Compliance  
R1-6 Single Family Residential District  
Barbara Simons

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Code Administrator (480-858-2190)

Department Director: Jeffrey Tamulevich, Department Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Code Administrator

**COMMENTS:**

Code Compliance is requesting approval to abate the Kalalau LLC Property located at 3239 S. Lebanon Lane, in the R1-6 Single Family Residential District. This case was initiated 12/28/22, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement, the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180-day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT

# Planning Application Submittal Form

Part 1 of 2

City of Tempe  
Community Development Department  
31 East 5<sup>th</sup> Street, Garden Level, Tempe, Arizona 85281  
(480) 350-4311 Fax (480) 350-8677  
Planning Fax (480) 350-8872  
<http://www.tempe.gov/planning>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

PROJECT INFORMATION - REQUIRED			
PROJECT NAME	KALALAU LLC ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	3239 S. LEBANON LANE	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE227746 HEARING SCHEDULED FOR JULY 18, 2023	PARCEL No(s)	134-41-038 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	KALALAU LLC	ADDRESS	1628 E SOUTHERN AVE STE 9 PMB 218
CONTACT NAME	MARK J. MCINTYRE	CITY	TEMPE
EMAIL		STATE	AZ
		ZIP	85282
		PHONE 1	
		PHONE 2	

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE	
or attach written statement authorizing the applicant to file the application(s)			

APPLICANT INFORMATION - REQUIRED			
COMPANY / FIRM NAME	CITY OF TEMPE	ADDRESS	21 E. 6TH ST.
CONTACT NAME	BARBARA SIMONS	CITY	TEMPE
EMAIL	barbara_simons@tempe.gov	STATE	AZ
		ZIP	85281
		PHONE 1	480-350-5460
		PHONE 2	

I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is deemed to be incomplete it will be returned to me without review, to be resubmitted with any missing information.

APPLICANT SIGNATURE	X	DATE	6/14/23
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
		STATE	
		ZIP	
TYPE OF BUSINESS		PHONE	
		EMAIL	

APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See Planning & Zoning Fee Schedule for types)	FOR CITY USE ONLY (Planning record tracking numbers)	
<input type="checkbox"/> A. PRELIMINARY SITE PLAN REVIEW			SPR	
<input type="checkbox"/> B. ADMINISTRATIVE APPLICATIONS			ADM	
<input type="checkbox"/> C. VARIANCES			VAR	
<input type="checkbox"/> D. USE PERMITS / USE PERMIT STANDARDS			ZUP	
<input type="checkbox"/> E. ZONING CODE AMENDMENTS			ZOA	ZON
<input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAYS			PAD	REC
<input type="checkbox"/> G. SUBDIVISION / CONDOMINIUM PLATS			SBD	REC
<input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW			DPR	
<input type="checkbox"/> I. APPEALS				
<input type="checkbox"/> J. GENERAL PLAN AMENDMENTS			GPA	
<input type="checkbox"/> K. ZONING VERIFICATION LETTERS			ZVL	
<input checked="" type="checkbox"/> L. ABATEMENTS			CE	CM
<input type="checkbox"/> M. SIGN TYPE K			GO	SE
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY			
DS TRACKING #		FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
SPR TRACKING # (If 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

**DATE:** 06/14/2023  
**TO:** Julie Scofield, Senior Code Inspector  
**FROM:** Barbara Simons  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE227746

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**LOCATION:** 3239 S. Lebanon Lane, Tempe, AZ 85282  
**LEGAL:** Parcel #134-41-038, as recorded with the Maricopa County Assessor  
**OWNER:** KALALAU LLC / MARK J. MCINTYRE  
1628 E SOUTHERN AVE STE 9 PMB 218  
TEMPE, AZ 85282

**FINDINGS:**

12/28/22 - Case was opened proactively for a weeds and/or grass in the gravel landscape in the front and side yards. Notice to comply was mailed to Kalalau LLC with a re-inspection date of 01/17/23.

01/18/23 – The property was inspected and showed no improvement. A final violation notice was sent with a re-inspection date of 02/06/23.

02/27/23 – The property was inspected and the front and side yards were still full of weeds. A second final notice was sent that amended ownership to include Mark J. McIntyre, one of the owners listed on the Corporation Commission website. The re-inspection date was 03/13/23.

03/14/23 – The property was re-inspected and some work had been done and appeared to be still in process. Located phone number for Mark J. McIntyre and left a message that the work must be completed by following Monday or a citation would be issued.

03/21/23 – The property was re-inspected and showed progress but not enough to close the case.

03/29/23 – The property was inspected and the weeds had returned. Photos were taken and a citation was issued.

04/19/23 – The north side of the house had been cleared of weeds and debris. Some weeds remained in the front and south side yards.

06/14/23 – The property was reinspected and found to be full of weeds and debris in the front and both side yards. Code Compliance filed for an Abatement Hearing. Notice was posted to the property.

**RECOMMENDATIONS:**

I recommend the approval of a 180-day open abatement period for removal of excess fronds from 3239 S. Lebanon Lane, which is owned by Kalalau LLC / Mark J. McIntyre. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action.

Respectfully submitted,  
Barbara Simons

ACTION TAKEN: Submitted

NAME: Fula Zofield

DATE: 6/14/23



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 06/14/2023  
CASE #: CE227746

**KALALAU LLC C/O MARK J. MCINTYRE  
1628 E SOUTHERN AVE STE 9 PMB 218  
TEMPE, AZ 85282**

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

**LOCATION:** 3239 S LEBANON LN TEMPE, AZ 85282  
**PARCEL:** 134-41-038

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **07/18/2023**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

**CC 21-3.b.8**                      Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

**As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.**

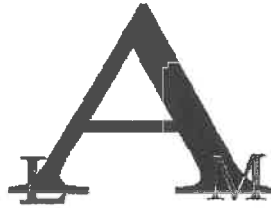
**CC 21-3.b.8**                      **Please COMPLETELY REMOVE the weeds and/or grass growing in the gravel landscape in the front and side yards. Please discard any landscape debris.**

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$1410.00**. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate of judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

**If you have questions regarding this matter, please contact our office at (480)350-4311.**

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**Code Inspector: Barbara Simons  
Phone Number: 480-350-5460  
E-mail: Barbara\_Simons@tempe.gov**



**Artistic Land Management, Inc.**

May 1, 2023

City of Tempe  
Attn: Barbara Simons  
Code Inspector

RE: Clean-Up at 3239 S. Lebanon Ln.

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 3239 S. Lebanon Ln, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

##### Front Yard Clean-Up

- Cut weeds and unwanted grass down to ground level
- Apply post-emergent chemical where needed
- Haul off debris
- Police presence on-site for duration of visit

Total: \$1,410.00

Respectfully,

Jose Hernandez



















COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

12/28/2022

KALALAU LLC  
1628 E SOUTHERN AVE STE 9 PMB 218  
TEMPE, AZ 85282

Case #: CE227746  
Site Address: 3239 S LEBANON LN, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 12/28/2022 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely remove the weeds and/or grass growing in the gravel landscape in the front and side yards.  Please discard any landscape debris.	01/17/2023

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Barbara Simons  
Code Inspector

Direct: 480-350-5460  
Code Compliance: 480-350-4311  
Email: Barbara\_Simons@tempe.gov

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b).  
**Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.





COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

01/19/2023

KALALAU LLC  
1628 E SOUTHERN AVE STE 9 PMB 218  
TEMPE, AZ 85282

Case #: CE227746  
Site Address: 3239 S LEBANON LN, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/18/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely remove the weeds and/or grass growing in the gravel landscape in the front and side yards.  Please discard any landscape debris.	02/06/2023

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Barbara Simons**  
Code Inspector

**Direct: 480-350-5460**  
**Code Compliance: 480-350-4311**  
**Email: Barbara\_Simons@tempe.gov**

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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

03/01/2023

KALALAU LLC C/O MARK J. MCINTYRE  
1628 E SOUTHERN AVE STE 9 PMB 218  
TEMPE, AZ 85282

Case #: CE227746  
Site Address: 3239 S LEBANON LN, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/27/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please COMPLETELY REMOVE the weeds and/or grass growing in the gravel landscape in the front and side yards.  THIS IS YOUR FINAL WARNING!  Please discard any landscape debris.	03/13/2023

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Barbara Simons**  
Code Inspector

**Direct: 480-350-5460**  
**Code Compliance: 480-350-4311**  
**Email: Barbara\_Simons@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b).  
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# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1702166</b>		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial <input type="checkbox"/> Haz. Material	
Driver's License No.				DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D					Incident Report Number <b>CE227746</b>	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													
Defendant		Name (First, Middle, Last) <b>MARK J. MCINTYRE</b>										Juvenile	
Residence Address, City, State, Zip Code <b>1628 E. SOUTHERN AVE, STE 9 PMB 218 TEMPE AZ 85282</b>													
Telephone: (cell phone) <input type="checkbox"/>													
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address					
Business Address, City, State, Zip Code												Business Phone No.	
Vehicle		Color	Year	Make	Model	Style	License Plate		State		Expiration Date		
Registered owner & address, City, State, Zip Code								Vehicle Identification Number					
The Undersigned Certifies That:													
On	Month <b>03</b>	Day <b>29</b>	Year <b>2023</b>	Time <b>2:15</b>	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel	
At	Location <b>3239 S. LEBANON LN.</b>								<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> _____ State of Arizona		Area	Dist.	
The Defendant Committed the Following:													
<b>A</b>	Section: <b>CC 21-3</b>		A	ARS Violation: <b>CC 21-3.6.8 DETERIORATED LANDSCAPE</b>	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
	Docket Number		Disp. Code:	Date of Disposition:	Sanction:								
MVD													
<b>B</b>	Section:			ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
	Docket Number		Disp. Code:	Date of Disposition:	Sanction:								
MVD													
<b>C</b>	Section:			ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
	Docket Number		Disp. Code:	Date of Disposition:	Sanction:								
MVD													
<b>D</b>	Section:			ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
	Docket Number		Disp. Code:	Date of Disposition:	Sanction:								
MVD													
<b>E</b>	Section:			ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
	Docket Number		Disp. Code:	Date of Disposition:	Sanction:								
MVD													
<b>You must appear on the date and time indicated at:</b>	Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753			<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: <b>04/12/23</b>	Time: <b>Between 9AM &amp; 4PM</b>							
	<input type="checkbox"/> Court:	Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM	Court No.								
	Court Address, City, State, Zip Code												
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.	Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	<input type="checkbox"/> Victim?	<input type="checkbox"/> Victim Notified?	I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.									
<b>X MAILED &amp; POSTED TO PROPERTY</b>	<b>8042</b>	<b>PSN</b>											
Comments: Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____													
Date issued if not violation date													

**KST VIOLATION - \$200 FINE**

**COMPLAINT**

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



1702166