

9153

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: May 18, 2004

SUBJECT: Abatement of Public Nuisance [Substandard Structure];
B&S Case No.: CV 02-3522
Subject Property: 17255 Encina Drive, Lake Elsinore; APN: 383-173-015
District One

RECOMMENDED MOTION: Move that:

- (1) The substandard structure (dwelling with attached deck) on the real property located at 17255 Encina Drive, Lake Elsinore, Riverside County, California, APN: 383-173-015, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) Mack L. Flinspach and Gertrude E. Flinspach, the owners of the subject real property or whoever has possession or control of the premises, be directed to abate the substandard structure on the property by removing the same from the real property within ninety (90) days.
- (3) The owners be ordered to ascertain the existence or non-existence of asbestos containing materials in said structure by survey and materials sample testing through the Industrial Hygiene Specialist of the County Health Department, Division of Special Services; and, prior to the abatement ordered in paragraph number two (2) above, to secure the removal and disposal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines imposed by the South Coast Air Quality Management District (SCAQMD) pursuant to SCAQMD Rule No. 1403.

Shirvan Sherma Acosta
SHIRVAN SHERMA ACOSTA,
Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Jennifer L. Duff

Policy

Consent

Department Recommendation:
Per Executive Office:

RECEIVED RIVERSIDE COUNTY
MAY 18 2004

- (4) If the owners or whoever has possession or control of the real property do not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Department of Building & Safety, Sheriff's Department, and/or a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the substandard structure and contents therein, by removing the same from the real property.
- (5) The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance No. 725.
- (6) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the substandard structure on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject property by the Code Enforcement Officer on September 2, 2003.
2. The inspection revealed a substandard structure (dwelling with attached deck) on the subject property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structure included, but were not limited to, the following: lack of hot and cold running water; hazardous plumbing; hazardous wiring; lack of heating facilities; members of walls, partitions or other vertical supports that lean, list, buckle; members of ceilings, roofs, ceiling and roof supports that sag, split, or buckle, large holes in walls; faulty weather protection; general dilapidation and lack of maintenance; abandoned, vacant, open to the public, public and attractive nuisance; deck with deteriorated flooring, missing railings, and broken stairs.
3. Follow-up inspections on October 1 and November 14, 2003, and April 23, 2004 revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
4. Staff and the Department of Building and Safety have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for substandard structures.

3007 MAY 28 PM 1:21
RECEIVED RIVERSIDE COUNTY