

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

227B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 30, 2006

SUBJECT: Order to Abate [substandard structure];
Case No.: CV 02-5108
Subject Property: 19644 Grand Avenue, Lake Elsinore; APN 370-280-024
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 02-5108 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV 02-5108; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 02-5108.

BACKGROUND:

On October 17, 2006, this Board received the Declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the substandard structure located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

[Signature]

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, County Counsel

FINANCIAL DATA

Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:
Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:
Annual Net County Cost:	\$ N/A	For Fiscal Year:

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Alex Gann

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: 1

Agenda Number:

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Departmental Concurrence

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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 02-5108
[SUBSTANDARD STRUCTURE]; APN: 370-280-)	
024, 19644 GRAND AVENUE, LAKE)	FINDINGS OF FACT,
ELSINORE, RIVERSIDE COUNTY,)	CONCLUSIONS AND ORDER TO
CALIFORNIA; ALFONSO VARELA AND)	ABATE NUISANCE
JEANETTE VARELA, OWNERS.)	
)	[R.C.O. Nos. 457 (RCC Title 15) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on October 17, 2006, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 19644 Grand Avenue, Lake Elsinore, Riverside County, APN: 370-280-024, and referred to hereinafter as "THE PROPERTY."

Warren Y. Chu, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Owner Jeanette Varela appeared on her behalf and addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County (Code) Title 15.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as Alfonso Varela and Jeanette Varela ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Elsinore Valley Municipal Water District, County of Riverside Department of
6 Environmental Health, and Dennis Lunsford (hereinafter "INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 11,
8 2002, April 27, 2004, March 1, 2005, March 14, 2005, September 1, 2005, and June 6, 2006, August
9 25, 2006 and October 16, 2006.

10 4. During each inspection, a substandard structure (accessory structure without a primary
11 dwelling) was observed on THE PROPERTY. The structure was described as abandoned,
12 dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to:
13 lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running
14 water to plumbing fixtures; lack of connection to required sewage system; hazardous plumbing; lack
15 of required electrical lighting; hazardous wiring; lack of adequate heating facilities; faulty weather
16 protection; general dilapidation or improper maintenance; fire hazard and public and attractive
17 nuisance – abandoned/vacant.

18 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
19 No. 457 (RCC Title 15) by the Code Enforcement Officer.

20 6. A Notice of Noncompliance was recorded on December 30, 2002 as Document
21 Number 2002-783616 in the Office of the County Recorder, County of Riverside.

22 7. On December 11, 2002, a Notice of Violation, Notice of Defects and "Danger Do Not
23 Enter" sign were posted on THE PROPERTY. On January 8, 2003, a Notice of Violation and Notice
24 of Defects were mailed by certified mail, return receipt requested to the OWNERS and
25 INTERESTED PARTIES.

26 8. On August 24, 2006, a "Notice To Abate Nuisance" providing notice of the public
27 hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to
28 OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on August 25, 2006.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on October 17, 2006 finds and concludes that:

4 1. WHEREAS, the substandard structure on the real property located at 19644 Grand
5 Avenue, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel Number
6 370-280-024 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and
7 attractive nuisance.

8 2. WHEREAS, THE OWNERS, occupants and any person having possession or control
9 of THE PROPERTY should abate the condition by razing, removing and disposing of the
10 substandard structure, including the removal and disposal of all structural debris and materials, and
11 contents therein or by reconstruction of said structure provided that said reconstruction or demolition
12 can be accomplished in strict accordance with all Riverside County Ordinances, including but not
13 limited to Riverside County Ordinance No. 457 within ninety (90) days.

14 3. WHEREAS, THE OWNERS AND INTERESTED PARTIES ARE HEREBY
15 FUTHER NOTICED that the time within which judicial review of the administrative determinations
16 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
17 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
18 Section 1094.6.

19 **ORDER TO ABATE NUISANCE**

20 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
21 at 19644 Grand Avenue, Lake Elsinore, Riverside County, California, also identified as Assessor's
22 Parcel Number 370-280-024 be abated by the OWNERS, and anyone having possession or control of
23 THE PROPERTY, by razing and removing the substandard structure including the removal and
24 disposal of all structural debris and materials, as well as the contents therein, in strict accordance
25 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
26 457 within ninety (90) days of the posting and mailing of this order. Or in the alternative, that the
27 owners be required to permit a primary dwelling structure on THE PROPERTY and rehabilitate the
28 substandard structure in strict accordance with all Riverside County Ordinances, including but not

1 limited to Riverside County Ordinance No. 457 (RCC Title 15) within ninety (90) days of the
2 posting and mailing of this order.

3 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
4 disposed of, or reconstructed in strict accordance with all Riverside County Ordinances, including
5 but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and
6 mailing of this Order, the substandard structure, contents therein, and structural debris and materials,
7 shall be abated by representatives of the Riverside County Code Enforcement Department, a
8 contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where
9 necessary, under, applicable law authorizing entry onto THE PROPERTY.

10 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
11 asbestos containing materials in said structure by survey and materials sample testing by a duly
12 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
13 the removal of all asbestos containing materials discovered through such survey and testing by
14 contract with a duly certified and licensed contractor for the handling of such materials to avoid
15 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

16 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
17 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
18 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
19 County Ordinance Nos. 457, and 725. Under Riverside County Ordinance No. 725, "abatement
20 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
21 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
22 collection and administrative costs, attorneys fees, and the costs associated with the removal or
23 correction of

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the violation." Reasonable abatement costs accrued by the Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:

NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

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