

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

9528



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 15, 2008

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case No.: CV 07-3271
Subject Property: 90801 and 90881 Avenue 66, Mecca
APNs: 727-250-004 and 727-250-005
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3271 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 07-3271; 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 07-3271

(continued)

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

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

Tina Grande
BY *Tina Grande*
Tina Grande

- Consent
- Policy
- Consent
- Policy

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

Prev. Agn. Ref.: 1/29/08; 9.5

District: 4

Agenda Number:

2.41

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 07-3271

Subject Property: 90801 and 90881 Avenue 66, Mecca

APNs: 727-250-004 and 727-250-005

District Four ^

BACKGROUND:

On January 29, 2008 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 structures (dwelling and 3 structures) and accumulation of rubbish 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, Conclusions and Order to Abate.

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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 07-3271
[SUBSTANDARD STRUCTURES AND)	
ACCUMULATION OF RUBBISH]; APNS 727-)	FINDINGS OF FACT,
250-004 AND 727-250-005, 90801 AND 90881)	CONCLUSIONS AND ORDER TO
AVENUE 66, MECCA, RIVERSIDE COUNTY,)	ABATE NUISANCE
CALIFORNIA; JAMES FARZAD HORMOZI,)	
OWNER.)	[R.C.O. Nos. 457 (RCC Title 15), 541
)	(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on January 29, 2008, 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 90801 and 90881 Avenue 66, Mecca, Assessor's Parcel Numbers 727-250-004 and 727-250-005 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Mary Overholt, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as James Farzad Hormozi. ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Fariboz Hormozi and Mahour Hormozi ("INTERESTED PARTIES").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 30, 2007,
7 May 15, 2007, September 13, 2007, October 12, 2007, December 13, 2007 and January 24, 2008.

8 4. During each inspection, four substandard structures (dwelling and 3 structures) were
9 observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and
10 vacant. The structures contained numerous deficiencies, including but not limited to: lack of or
11 improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water
12 to plumbing fixtures; lack of connection to required sewage; hazardous plumbing; lack of required
13 electrical lighting, lack of adequate heating facilities; deteriorated or inadequate foundation;
14 defective or deteriorated flooring or floor supports; members of walls, partitions or other vertical
15 supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings,
16 roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to
17 defective material or deterioration; faulty weather protection; dilapidation or improper maintenance;
18 and abandoned, vacant, public and attractive nuisance.

19 5. During each inspection an accumulation of rubbish was observed throughout THE
20 PROPERTY consisting of but not limited to: wood, vegetative waste, furniture, tires, plastic,
21 household trash, mattresses, concrete rubble and miscellaneous debris.

22 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
23 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

24 7. A Notice of Noncompliance for the accumulation of rubbish was recorded on August
25 24, 2007, as Document Number 2007-0546453 in the Office of the County Recorder, County of
26 Riverside.

27 8. On April 30, 2007, Notices of Violation, a Notice of Defects and "Danger Do Not
28 Enter" sign were posted on APN 727-250-005. On May 9, 2007, Notices of Violation and Notices of

1 Defects were mailed to OWNER regarding that portion of THE PROPERTY located within APN
2 727-250-005. On May 15, 2007, Notices of Violation, Notices of Defects and Danger Do Not Enter
3 signs were posted on APN 727-250-004. On June 11, 2007, Notices of Violation and Notices of
4 Defects regarding both parcels of THE PROPERTY were mailed to OWNER and INTERESTED
5 PARTIES by certified mail, return receipt requested.

6 9. On December 11, 2007, a "Notice To Correct County Ordinance Violations and Abate
7 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January
8 29, 2008 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
9 PARTIES and was posted on THE PROPERTY on December 13, 2007.

10 FINDINGS AND CONCLUSIONS

11 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
12 regular session assembled on January 29, 2008 finds and concludes that:

13 1. WHEREAS, the substandard structures (dwelling and 3 structures) and accumulation
14 of rubbish on the real property located at 90801 and 90881 Avenue 66, Mecca, Riverside County,
15 California, also identified as Assessor's Parcel Numbers 727-250-004 and 727-250-005 violates
16 Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and
17 constitutes a public nuisance.

18 2. WHEREAS, THE OWNER, occupants and any person having possession or control
19 of THE PROPERTY should abate the substandard structures (dwelling and three structures) by
20 razing, removing and disposing of the substandard structures, including the removal and disposal of
21 all structural debris and materials, and contents therein or by reconstruction and rehabilitation of
22 said structures provided that said reconstruction or demolition can be accomplished in strict
23 accordance with all Riverside County Ordinances, including but not limited to Riverside County
24 Ordinance No. 457 within ninety (90) days.

25 3. WHEREAS, THE OWNER, occupants and any other person having possession or
26 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
27 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
28 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

1 4. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY
2 FURTHER NOTICED that the time within which judicial review of the administrative
3 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
4 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
5 Civil Procedure Section 1094.6.

6 **ORDER TO ABATE NUISANCE**

7 IT IS THEREFORE ORDERED that the substandard structures (dwelling and three
8 structures) on THE PROPERTY be abated by the OWNER, specifically James Farzad Hormozi or
9 anyone having possession or control of THE PROPERTY, by razing and removing the substandard
10 structures (dwelling and three structures) including the removal and disposal of all structural debris
11 and materials, as well as the contents therein, or by reconstruction and rehabilitation of said
12 structures provided such reconstruction and rehabilitation can be accomplished in strict accordance
13 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
14 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

15 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
16 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
17 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
18 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
19 therein, and structural debris and materials, shall be abated by representatives of the Riverside
20 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the
21 owner's consent or a court order, where necessary, under applicable law authorizing entry onto THE
22 PROPERTY.

23 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
24 asbestos containing materials in said structures by survey and materials sample testing by a duly
25 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
26 the removal of all asbestos containing materials discovered through such survey and testing by
27 contract with a duly certified and licensed contractor for the handling of such materials to avoid
28 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

1 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
2 abated by THE OWNER or anyone having possession or control of THE PROPERTY by removing
3 and disposing of all rubbish on THE PROPERTY is not removed and disposed of in strict
4 accordance with all Riverside County Ordinances, including but not limited to Riverside County
5 Ordinance Nos. 541 (RCC Chapter 8.120), within ninety (90) days of the posting and mailing of this
6 Order to Abate Nuisance.

7 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
8 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
9 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
10 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
11 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
12 owner's consent or a court order when necessary under applicable law.

13 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
14 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
15 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
16 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
17 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
18 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
19 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
20 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable

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1 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
2 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this
3 Order to Abate Nuisance.

4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Roy Wilson
9 Chairman, Board of Supervisors

10 ATTEST:
11 NANCY ROMERO
12 Clerk to the Board

13 By
14 Deputy
15 (SEAL)
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