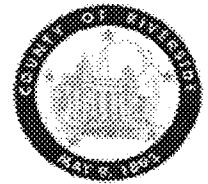


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

815 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 29, 2009

SUBJECT: Abatement of Public Nuisance [Accumulation of Rubbish, Excess Outside Storage, Substandard Structure and Grading Without a Permit]; (Foster)
Case Nos.: CV 08-06509, CV 08-06510, CV 09-02137 & CV 09-02138
Subject Property: 62550 16th Avenue, North Palm Springs; APN: 668-140-033
District Five.

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The excess outside storage of materials and accumulation of rubbish on the real property located at 62550 16th Avenue, North Palm Springs, Riverside County, California, APN: 668 140-033 be declared a public nuisance and a violation of Riverside County Ordinance Nos 348 and 541 (Riverside County Code Chapters 17.144 and 8.120).
- (2) Sean P. Foster and Aaron Wolf, the owners of the subject real property, be directed to abate the excess outside storage and accumulation of rubbish on the property by removing the same from the real property within ninety (90) days.

(Continued)

JONATHAN D. HOLUB, Deputy County Counsel
for PAMELA J. WALLS, 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

BY:

Tina Grande

County Executive Office Signature

Policy Policy
 Consent Consent
 Dept's Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 5

Agenda Number:

9.9

Abatement of Public Nuisance

62550 16th Avenue, North Palm Springs

CV 08-06509, CV 08-06510, CV 09-02137 & CV 09-02138

Page 2

- (3) The substandard structure (single-story structure) on the real property located at 62550 16th Avenue, North Palm Springs, Riverside County, California, APN: 668-140-033, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (4) Sean P. Foster and Aaron Wolf, 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.
- (5) The owner 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.
- (6) The grading without permits on the real property located at 62550 16th Avenue, North Palm Springs, Riverside County, California, APN: 668-140-033, be declared a public nuisance and a violation of Riverside County Ordinance No. 457, which does not permit grading of more than fifty (50) cubic yards without a grading permit.
- (7) A five (5) year hold on the issuance of building permits and land use approvals be placed on The Property.
- (8) Sean P. Foster and Aaron Wolf, the Owners of the subject real property or whoever has possession or control of the premises, be directed to restore or remediate the unpermitted grading within ninety (90) days.
- (9) If the owners 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 Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent of the owners, receipt of a Court Order authorizing entry onto the real property, or other authorization as provided by law, shall abate the substandard structure and the excess outside storage and accumulation of rubbish by removing and disposing of the same from the real property and restore or remediate the property so as to prevent offsite drainage and slope erosion.
- (10) The reasonable cost of the 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.
- (11) Upon the restoration or remediation of the property and payment of all abatement costs assessed against the property the five (5) year hold on the issuance of building permits and land use approvals will be lifted.

(Continued)

Abatement of Public Nuisance

62550 16th Avenue, North Palm Springs

CV 08-06509, CV 08-06510, CV 09-02137 & CV 09-02138

Page 3

- (12) County Counsel be directed to prepare the necessary Findings of Fact and Conclusions of Law that the substandard structure on the real property and the excess outside storage and accumulation of rubbish and grading without permits are declared to be in violation of Riverside County Ordinance Nos. 348, 457 and 541 and constitute a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

- (1) An initial inspection was made of the subject real property by the Code Enforcement Officers on March 25, 2009.
- (2) The inspection revealed the accumulation of rubbish and excess outside storage on the subject property in violation of Riverside County Ordinance Nos. 541 and 348. The excess outside storage and accumulation of rubbish consisted of, but was not limited to: wood, crates, trash, plastic, tires, scrap metal, plastic molds, equipment, and metal beams. The excess outside storage and accumulation of rubbish totaled forty-three thousand, eight hundred (43,800) square feet.
- (3) The inspection also revealed a substandard structure on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structure included, but were not limited to the following: hazardous wiring; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; faulty weather protection; general dilapidation or improper maintenance; and abandoned, vacant, public and attractive nuisance.
- (4) The inspection further revealed grading on the property, which causes deviation from the natural topography in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Officer estimated that approximately two thousand, two hundred and twenty-two point twenty-two (2,222.22) cubic yards of dirt has been graded. A search of Riverside County records indicates that no permit for grading has been obtained. This creates a public and attractive nuisance.
- (5) Subsequent inspections of the above-described real property on June 3, 2009, June 4, 2009 and October 29, 2009, revealed that the property continues to be in violation of Riverside County Ordinance Nos. 348, 541 and 457.
- (6) Staff and the Code Enforcement Department have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for accumulation of rubbish, excess outside storage, substandard structure, and grading without a permit.