

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

412B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 25, 2010

SUBJECT: Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulation of Rubbish]
Case No.: CV 07-9901 (HOANG)
Subject Property: 14545 Chandler Street, Corona
APN: 144-120-009; District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-9901 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 07-9901; 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 07-9901.

(Continued)

[Signature]
JULIE A. JARVI, 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: *[Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 03/16/10; 9.1 | District: 2 | Agenda Number:

Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulation of Rubbish]

Case No.: CV 07-9901

Subject Property: 14545 Chandler Street, Corona

APN: 144-120-009

District Two

BACKGROUND:

On March 16, 2010 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 (single family dwelling with attached garage, carport and five room additions), excess outside storage 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.

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie A. Jarvi, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-9901
12 [SUBSTANDARD STRUCTURES, EXCESSIVE)
OUTSIDE STORAGE AND ACCUMULATION)
13 OF RUBBISH]; APN 144-120-009, 14545) FINDINGS OF FACT,
CHANDLER STREET, CORONA, RIVERSIDE) CONCLUSIONS AND ORDER TO
14 COUNTY, CALIFORNIA; KEVIN HOANG,) ABATE NUISANCE
OWNER.)
15 [R.C.O. Nos. 348 (RCC Title 17), 457)
(RCC Title 15), 541 (RCC Title 8) and)
16 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on March 16, 2010, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described 14545 Chandler Street, Corona, Assessor's Parcel Number 144-120-009 and
21 referred to hereinafter as "THE PROPERTY."

22 Julie A. Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures, excessive outside storage of materials
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.
28 348 (Riverside County Code Chapter 17.72), 457 (Riverside County Code Title 15) and 541

1 (Riverside County Code Chapter 8.120), and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as Kevin Hoang ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: JP Morgan Chase Custody Services, JP Morgan Chase Bank, Michael K.
7 Wolder, Esq ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on May 7, 2009, June
9 24, 2009, October 1, 2009, February 11, 2010 and March 12, 2010.

10 4. During each inspection, substandard structures (single family dwelling with attached
11 garage, carport and five room additions) were observed on THE PROPERTY. The structures were
12 observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies,
13 including but not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink;
14 lack of hot and cold running water to plumbing fixtures; hazardous wiring; members of walls,
15 partitions or other vertical supports that split, lean list or buckle due to defective material or
16 deterioration; members of ceiling, roofs, ceiling and roof supports or other horizontal members which
17 sag, split, or buckle due to defective material or deterioration; dampness of habitable rooms; faulty
18 weather protection; general dilapidation: public and attractive nuisance.

19 5. During each inspection an accumulation of rubbish and excess outside storage was also
20 observed throughout THE PROPERTY consisting of but not limited to: rocks, tires, wood,
21 household trash, mattresses, furniture, drywall, cinder blocks, toys and miscellaneous debris.

22 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
23 Nos. 348 (RCC Chapter 17.72), 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code
24 Enforcement Officer.

25 7. On January 11, 2008, Notices of Noncompliance for the substandard structures and
26 excess outside storage were recorded at the Riverside County Recorder's Office as instrument
27 numbers 2008-0017567 and 2008-0017577. On December 9, 2009, a Notice of Noncompliance for
28 the accumulated rubbish was recorded at the Riverside County Recorder's Office as instrument

1 number 2009-0632238.

2 8. On May 7, 2009, Notices of Violation, Notice of Defects and "Danger- Do Not Enter"
3 signs were posted on THE PROPERTY. On May 15, 2009, Notices of Violation and Notice of
4 Defects were mailed by certified mail, return receipt requested to OWNER and INTERESTED
5 PARTIES. On July 30, 2009, Notices of Violation together with a Notice of Defects was mailed by
6 certified mail, return receipt requested to OWNER.

7 9. On February 10, 2010, a "Notice to Abate Nuisance" providing notice of the public
8 hearing before the Board of Supervisors on March 16, 2010, was mailed by certified mail, return
9 receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY
10 on February 11, 2010.

11 **FINDINGS AND CONCLUSIONS**

12 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
13 regular session assembled on March 16, 2010, finds and concludes that:

14 1. WHEREAS, the substandard structures (single family dwelling with attached garage,
15 carport and five room additions), excessive outside storage of materials and accumulation of rubbish
16 on the real property located at 14545 Chandler Street, Corona, Riverside County, California, also
17 identified as Assessor's Parcel Number 144-120-009 violates Riverside County Ordinance Nos. 348,
18 (RCC Chapter 17.72), 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public
19 nuisance.

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

27 3. WHEREAS, THE OWNER, occupants and any other person having possession or
28 control of THE PROPERTY should abate the accumulation of rubbish and excessive outside storage

1 of materials by removing and disposing of all rubbish and excessive outside storage on THE
2 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
3 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

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

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

26 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
27 asbestos containing materials in said structure by survey and materials sample testing by a duly
28 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure

1 the removal of all asbestos containing materials discovered through such survey and testing by
2 contract with a duly certified and licensed contractor for the handling of such materials to avoid
3 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

4 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage
5 of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of
6 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials
7 on THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not
8 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.72) and 541 (RCC Chapter
9 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

10 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
11 storage of materials is not removed and disposed of in strict accordance with all Riverside County
12 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.72)
13 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance,
14 the accumulation of rubbish and excessive outside storage of materials shall be abated and disposed of
15 by representatives of the Riverside County Code Enforcement Department, a contractor or the
16 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
17 applicable law.

18 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
19 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
20 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
21 County Ordinance Nos. 348 (RCC Chapter 17.72), 457 (RCC Title 15), 541 (RCC Chapter 8.120),
22 and 725 (RCC Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means
23 "any costs or expenses reasonably related to the abatement of conditions which violate County Land
24 Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
25 administrative costs, attorneys fees, and the costs associated with the removal or correction of the

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28 ///

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

4
5 Dated: _____

COUNTY OF RIVERSIDE

6
7 By _____
8 Marion Ashley
9 Chairman, Board of Supervisors

10 ATTEST:
11 KECIA HARPER-IHEM
12 Clerk to the Board

13 By _____
14 Deputy
15 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY Julie A. Koons Jarvi 3/23/10 DATE