

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

718B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 29, 2010

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case Nos: CV 09-05340 & CV 09-06580 (SAVELLANO)
Subject Property: 27285 Citrus Avenue, Perris; APN: 307-260-012
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05340 & CV 09-06580 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 09-05340 & CV 09-06580; 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 09-05340 & CV 09-06580.

Departmental Concurrence

(Continued)

L. Alexandra Fong

L. ALEXANDRA FONG, 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*
Tina Grande

County Executive Office Signature

- | | |
|--|--|
| Policy <input type="checkbox"/>

Consent <input checked="" type="checkbox"/> | Policy <input type="checkbox"/>

Consent <input checked="" type="checkbox"/> |
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Dept's Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case Nos. CV 09-05340 & CV 09-06580 (SAVELLANO)
27285 Citrus Avenue, Perris
Page 2

BACKGROUND:

On July 13, 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 five substandard structures (two dwellings, garage and two accessory buildings) and accumulated 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 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 L. Alexandra Fong, 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 09-05340 and
12 [SUBSTANDARD STRUCTURES AND) CV 09-06580
ACCUMULATION OF RUBBISH]; APN 307-260-)
13 012, 27285 CITRUS AVENUE, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; DAVID) CONCLUSIONS AND ORDER TO
14 P. SAVELLANO AND ELIZABETH S.) ABATE NUISANCE
SAVELLANO, OWNERS.)
15) [R.C.O. Nos. 457 (RCC Title 15), 541
16) (RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on July 13, 2010, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described 27285 Citrus Avenue, Perris, Assessor's Parcel Number 307-260-012 and referred to
21 hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on behalf of owners.

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

SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as David P. Savellano and Elizabeth S. Savellano ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Jose Esguerra De Castro and Lina P. De Castro and Rochus Schelling and Alice
6 Schelling ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 28, 2009,
8 December 16, 2009, January 8, 2010, March 24, 2010, June 17, 2010 and July 9, 2010.

9 4. During each inspection, five substandard structures (two dwellings, a garage and two
10 accessory buildings) were observed on THE PROPERTY. The structures were observed to be
11 abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not
12 limited to: lack of hot and cold running water to plumbing fixtures; hazardous wiring; members of
13 ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due
14 to defective material or deterioration; members of walls, partitions or other vertical supports that
15 split, lean, list or buckle due to defective material or deterioration; dampness of habitable rooms;
16 faulty weather protection; general dilapidation or improper maintenance; bee infestation; public and
17 attractive nuisance.

18 5. During each inspection an accumulation of rubbish was observed throughout THE
19 PROPERTY consisting of but not limited to: green waste, a collapsed accessory structure, and
20 discarded used lumber.

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

23 7. A Notice of Noncompliance was recorded on January 6, 2010, as Document Number
24 2010-0003523 in the Office of the County Recorder, County of Riverside.

25 8. On August 28, 2009, Notices of Violation, Notice of Defects, "Danger Do Not Enter"
26 and a "Do Not Dump" signs were posted on THE PROPERTY. On September 2, 2009, Notices of
27 Violation for the substandard structures and accumulation of rubbish were mailed to OWNERS and
28 on December 23, 2009, were mailed to INTERESTED PARTIES by certified mail, return receipt

1 requested.

2 9. On June 16, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing
3 before the Board of Supervisors on July 13, 2010, was mailed by certified mail, return receipt
4 requested, to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on
5 June 17, 2010.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on July 13, 2010, finds and concludes that:

9 1. WHEREAS, the substandard structures (two dwellings, garage and two accessory
10 buildings) and accumulation of rubbish on the real property located at 27285 Citrus Avenue, Perris,
11 Riverside County, California, also identified as Assessor's Parcel Number 307-260-012 violates
12 Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and
13 constitutes a public nuisance.

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

21 3. WHEREAS, THE OWNERS, occupants and any other person having possession or
22 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of all
23 rubbish on THE PROPOERTY in strict accordance with all Riverside County Ordinances, including
24 but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

1 Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the substandard structures (two dwellings, garage and
4 two accessory buildings) on THE PROPERTY be abated by the OWNERS, David P. Savellano and
5 Elizabeth S. Savellano , or anyone having possession or control of THE PROPERTY, by razing and
6 removing the substandard structures including the removal and disposal of all structural debris and
7 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
8 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
9 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
10 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

25 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
26 abated by OWNERS or anyone having possession or control of THE PROPERTY, by removing and
27 disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
28 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)

1 within ninety (90) days of the date of this Order to Abate Nuisance.

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

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
11 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
12 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
13 expenses reasonably related to the abatement of conditions which violate County Land Use
14 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
15 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
16 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from OWNERS even if THE PROPERTY is brought into compliance within ninety (90)
2 days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *Alexandra Fong*
L. ALEXANDRA FONG
DATE: 7/23/10