

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

204B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 16, 2010

SUBJECT: Abatement of Public Nuisance [Substandard Structures & Grading Without a Permit]
Case Nos.: CV 10-02736 and CV 10-02760 (HSBC BANK USA, N.A.)
Subject Property: 22761 Alessandro Avenue, San Jacinto; APN: 434-260-016
District Three

RECOMMENDED MOTION: Move that:

- (1) The two substandard structures (dwellings) on the real property located at 22761 Alessandro Avenue, San Jacinto, Riverside County, California, APN: 434-260-016, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
- (2) HSBC Bank USA, N.A., as Trustee on behalf of Ace Securities Corp. Home Equity Loan Trust and for the registered holders of Ace Securities Corp. Home Equity Loan Trust, Series 2007-HE4, Asset Backed Pass Through Certificates, owner of the subject real

(Continued)

[Signature]
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: *[Signature]*
Tina Grande
County Executive Office Signature

Consent
 Policy
 Consent
 Policy

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

Prev. Agn. Ref.: | **District:** 3 | **Agenda Number:**

9.5

Abatement of Public Nuisances

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property, be directed to abate the two substandard structures on the property by rehabilitating, removing, and/or demolishing the same from the real property, including removal and disposal of all structural debris and materials, within ninety (90) days

- (3) The owner be ordered to ascertain the existence or non-existence of asbestos containing materials in said structures 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.
- (4) The grading without permits on the real property located at 22761 Alessandro Avenue, San Jacinto, Riverside County, California, APN: 434-260-016, 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.
- (5) A five (5) year hold on the issuance of building permits and land use approvals be placed on The Property.
- (6) HSBC Bank USA, the owner 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.
- (7) If the owner or whoever has possession or control of the real property does not take the above described action within ninety (90) days of the date of the mailing and posting of the Board's Order to Abate, that representatives of the Code Enforcement Department are authorized to obtain the services of a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the substandard structures and restore or remediate the property so as to prevent offsite drainage and slope erosion.
- (8) The reasonable costs of 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.
- (9) 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.
- (10) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the grading without a permit on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

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JUSTIFICATION:

1. An inspection was made of the subject property by the Code Enforcement Officer on April 6, 2010.
2. The inspection revealed two substandard structures (dwellings) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structures included, but were not limited to the following: lack of improper water closet, lavatory, bathtub, shower or kitchen sink; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate heating facilities; deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; 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; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.
3. The inspection also revealed a large stockpile of dirt on the property in violation of Riverside County Ordinance No. 457 (RCC Chapter 15). The Officer measured approximately two thousand nine hundred thirty-three (2,933) cubic yards of dirt has been stockpiled. A search of Riverside County records indicates that no permit for grading has been obtained. This creates a public and attractive nuisance.
4. A follow-up inspections on May 19 2010 and August 9, 2010, revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
5. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for grading without a permit.