

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

408B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
October 6, 2010

**SUBJECT:** Order to Abate [Substandard Structures & Grading Without a Permit]  
Case Nos. CV 10-02736 & CV 10-02760 (HSBC BANK USA, N.A.)  
Subject Property: 22761 Alessandro Avenue, San Jacinto; APN: 434-260-016  
District: 3

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02736 & CV 10-02760 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 10-02736 & CV 10-02760; 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 10-02736 & CV 10-02760.

(Continued)

*[Signature]*  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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's Recomm.:  
Per Exec. Ofc.:

Order to Abate

Case Nos. CV 10-02736 & CV 10-02760; HSBC BANK USA, N.A.

22761 Alessandro Avenue, San Jacinto

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**BACKGROUND:**

On September 28, 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 and unapproved grading located 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:  
2 Kecia Harper-Ihem, Clerk of the  
3 Board of Supervisors  
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:  
6 L. Alexandra Fong, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Fifth Floor (Stop #1350)  
10 Riverside, CA 92501

[EXEMPT '6103]

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**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:	)	CASE NOS. CV 10-02736 &
[SUBSTANDARD STRUCTURES AND	)	CV 10-02760
UNAPPROVED GRADING]; APN: 434-260-016,	)	
22761 ALESSANDRO AVENUE, SAN JACINTO,	)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; HSBC	)	CONCLUSIONS AND ORDER TO
BANK USA, N.A., OWNER.	)	ABATE NUISANCE
	)	
	)	[R.C.O. Nos. 457 (RCC Title 15) and
	)	725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on September 28, 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 as 22761 Alessandro Avenue, San Jacinto, Riverside County, APN: 434-260-016,  
21 and referred to 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. A member of the public, Robert Mabee, spoke and  
25 addressed the Board of Supervisors.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
27 with the attached Exhibits, evidencing the substandard structure and unapproved grading on THE  
28 PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in

1 Riverside County Code Title 15.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the Owner  
4 of THE PROPERTY as HSBC Bank, USA, N.A., as Trustee on behalf of Ace Securities Corp. Home  
5 Equity Loan Trust and for the registered holders of Ace Securities Corp. Home Equity Loan Trust,  
6 Series 2007-HE4, Asset Backed Pass Through Certificates ("OWNER").

7 2. Documents of title indicate that no other parties potentially hold a legal interest in  
8 THE PROPERTY.

9 3. THE PROPERTY was inspected by Code Enforcement Officers on April 6, 2010,  
10 May 19, 2010, August 9, 2010 and September 27, 2010.

11 4. During each inspection, two substandard structures (36' x 51' dwelling and a 30' x 30'  
12 dwelling) and a large quantity of stockpiled fill dirt mixed with asphalt was observed on THE  
13 PROPERTY. The structures were described as abandoned, dilapidated and vacant. The structures  
14 contained numerous deficiencies, including but not limited to: lack of or improper water closet,  
15 lavatory, bathtub, shower or kitchen sink; hazardous plumbing; lack of required electrical lighting;  
16 hazardous wiring; lack of adequate heating facilities; defective or deteriorated flooring or floor  
17 supports; members of walls, partitions, or other vertical supports that split, lean, list or buckle due to  
18 defective material or deterioration; members of ceiling, roofs, ceiling and roof supports or other  
19 horizontal members which sag, split, or buckle due to defective material or deterioration; dampness of  
20 habitable rooms; faulty weather protection; general dilapidation or improper maintenance;  
21 abandoned/vacant, public and attractive nuisance. The amount of stockpiled dirt and asphalt  
22 measured two thousand nine hundred thirty-three (2,933) cubic yards.

23 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
24 No. 457 (RCC Title 15) by the Code Enforcement Officer.

25 6. A Notice of Noncompliance for the unapproved grading and substandard structures  
26 were recorded on April 23, 2010 as Document Numbers 2010-0188127 and 2010-188126 in the  
27 Office of the County Recorder, County of Riverside.

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7. On April 6, 2010, Notices of Violation for the substandard structures and unapproved grading/stockpiling, Notices of Defects and "Danger Do Not Enter" signs were posted on THE PROPERTY. On April 8, 2010 and April 15, 2010, a Notice of Violation for substandard structures and Notice of Defects were mailed by certified mail, return receipt requested to the OWNER. On April 12, 2010, a Notice of Violation for Unapproved Grading and an Illegal Grading Notification was mailed to OWNER by certified mail, return receipt requested.

8. On August 2, 2010, a “Notice to Correct County Ordinance Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to OWNER and was posted on THE PROPERTY on August 9, 2010.

## **FINDINGS AND CONCLUSIONS**

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on September 29, 2010, finds and concludes that:

1. WHEREAS, the substandard structures and unapproved grading on the real property located at 22761 Alessandro Avenue, San Jacinto, Riverside County, California, also identified as Assessor's Parcel Number 434-260-016 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive nuisance.

2. WHEREAS, THE OWNER, occupants and any person having possession or control of THE PROPERTY shall abate the conditions by razing, removing and disposing of the substandard structures, including the removal and disposal of all structural debris and materials, and contents therein or by reconstruction of said structure and restoring THE PROPERTY to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion provided that said reconstruction or demolition can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that a five (5) year hold on the issuance of building permits and land use approval may be placed on THE PROPERTY. Upon restoration of THE PROPERTY and payment of the lien, the five (5) year hold on the building

1 permit issuance and land use approvals will be released.

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

6 **ORDER TO ABATE NUISANCE**

7 IT IS THEREFORE ORDERED that the substandard structures and unapproved grading on  
8 THE PROPERTY located at 22761 Alessandro Avenue, San Jacinto, Riverside County, California,  
9 also identified as Assessor's Parcel Number 434-260-016 be abated by OWNER, and anyone having  
10 possession or control of THE PROPERTY, by razing and removing the substandard structures  
11 including the removal and disposal of all structural debris and materials, as well as the contents  
12 therein, or by reconstruction of said structure and restoring THE PROPERTY to the satisfaction of  
13 the Department of Building and Safety so as to prevent offsite drainage and slope erosion provided  
14 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside  
15 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety  
16 (90) days of the posting and mailing of this Order to Abate Nuisance.

17 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and  
18 disposed of, or reconstructed and THE PROPERTY restored to the satisfaction of the Department of  
19 Building and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all  
20 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457,  
21 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard  
22 structure, contents therein, and structural debris and materials and unapproved grading shall be abated  
23 by representatives of the Riverside County Code Enforcement Department, a contractor, or the  
24 Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary, under  
25 applicable law authorizing entry onto THE 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

FORM APPROVED COUNTY COUNSEL  
BY: 10/6/10 DATE  
BY: L. ALEXANDRA FONG

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 reasonable abatement costs, after notice and opportunity  
5 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
6 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
7 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"  
8 means "any costs or expenses reasonably related to the abatement of conditions which violate County  
9 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection  
10 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
11 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be  
12 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within  
13 ninety (90) days of the date of this Order to Abate Nuisance.

14 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

15  
16 By \_\_\_\_\_  
Marion Ashley,  
Chairman, Board of Supervisors

17 ATTEST:

18 KECIA HARPER-IHEM

19 Clerk to the Board

20  
21 By

22 Deputy

23 (SEAL)