

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

414B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
OCT. 6, 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No: CV 10-02319 (CARBONI)
Subject Property: 15380 Elm Street, Cabazon; APN: 528-240-007
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02319 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 10-02319; 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 10-02319.

(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

Dep't Recomm.: ☒ Consent ☐ Policy
Per Exec. Ofc.: ☒ Consent ☐ Policy

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

Abatement of Public Nuisance
Case No. CV 10-02319; CARBONI
15380 Elm Street, Cabazon
Page 2

BACKGROUND:

On September 14, 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 structure (dwelling) 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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4
5

6 WHEN RECORDED PLEASE MAIL TO:
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 10-02319
12 [SUBSTANDARD STRUCTURE]; APN 528-240-)
007, 15380 ELM STREET, CABAZON,) FINDINGS OF FACT,
13 RIVERSIDE COUNTY, CALIFORNIA; MARK A.) CONCLUSIONS AND ORDER TO
CARBONI, OWNER.) ABATE NUISANCE
14)
15) [R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on September 14, 2010, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 15380 Elm Street, Cabazon, Assessor's Parcel Number 528-240-007 and
20 referred to hereinafter as "THE PROPERTY."

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

23 No one appeared on behalf of owner.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of
26 Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and as a public nuisance.

27 ///

28 ///

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Mark A. Carboni ("OWNER").

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to-wit: Cabazon Water District ("INTERESTED PARTY").

3. THE PROPERTY was inspected by Code Enforcement Officers on April 10, 2010, June 3, 2010, July 17, 2010 and September 9, 2010.

4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: hazardous plumbing; hazardous wiring; 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; abandoned/vacant; and public and attractive nuisance.

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

6. A Notice of Noncompliance was recorded on May 4, 2010, as Document Number 2010-0204785 in the Office of the County Recorder, County of Riverside.

7. On April 10, 2010, a Notice of Violation, Notice of Defects and a "Danger Do Not Enter" sign was posted on THE PROPERTY. On April 28, 2010, a Notice of Violation and Notice of Defects for the substandard structure were mailed to OWNER by certified mail, return receipt requested.

8. On July 14, 2010, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on September 14, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on July 17, 2010.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on September 14, 2010, finds and concludes that:

4 1. WHEREAS, the substandard structure (dwelling) on the real property located at
5 15380 Elm Street, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number
6 528-240-007 violates Riverside County Ordinance No. 457 (RCC Chapter 15.12) and constitutes a
7 public nuisance.

8 2. WHEREAS, THE OWNER, occupants and any person having possession or control
9 of THE PROPERTY shall abate the substandard structures condition by razing, removing and
10 disposing of the substandard structure, including the removal and disposal of all structural debris and
11 materials, and contents therein or by reconstruction and rehabilitation of said structure provided that
12 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County
13 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days.

14 3. WHEREAS, THE OWNER AND INTERESTED PARTY ARE HEREBY
15 FURTHER NOTICED that the time within which judicial review of the administrative determinations
16 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
17 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
18 Section 1094.6.

19 **ORDER TO ABATE NUISANCE**

20 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
21 PROPERTY be abated by the OWNER, Mark A. Carboni, or anyone having possession or control of
22 THE PROPERTY, by razing and removing the substandard structure including the removal and
23 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and
24 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished in
25 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
26 Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
27 Nuisance.

28 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and

1 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
2 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
3 of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
4 therein, and structural debris and materials, shall be abated by representatives of the Riverside County
5 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
6 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
7 PROPERTY.

8 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
9 asbestos containing materials in said structures by survey and materials sample testing by a duly
10 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
11 the removal of all asbestos containing materials discovered through such survey and testing by
12 contract with a duly certified and licensed contractor for the handling of such materials to avoid
13 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

FORM APPROVED COUNTY COUNSEL
BY: 9/30/10 DATE
L. ALEXANDRA FONG

1 PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate
2 Nuisance.

3

4 Dated: _____

COUNTY OF RIVERSIDE

5

6

By _____
Marion Ashley
Chairman, Board of Supervisors

7

8

ATTEST:

9

KECIA HARPER-IHEM

10

Clerk to the Board

11

12

By

13

Deputy

14

(SEAL)

15

16

17

18

19

20

21

22

23

24

25

26

27

28