

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

403B



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

**SUBMITTAL DATE:**  
January 27, 2011

**SUBJECT:** Order to Abate [Substandard Structure & Accumulated Rubbish]  
Case Nos. : CV09-04514 [GUARACHA]  
Subject Property: 5584 Mission Blvd., Riverside; APN: 181-053-006  
District: Two

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-04514 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 09-04514; 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 09-04514.

*L. Alexandra Fong*

(Continued)

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

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Jennifer L. Sargent*  
Jennifer L. Sargent

County Executive Office Signature

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

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

Abatement of Public Nuisance  
Case No. CV 09-04514 [GUARACHA]  
5584 Mission Blvd., Riverside  
District Two  
Page 2

**BACKGROUND:**

On January 11, 2011, 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-story wood-framed commercial building) 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, Suite 500 (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 09-04514  
12 [SUBSTANDARD STRUCTURE AND )  
ACCUMULATION OF RUBBISH]; APN 181-053- )  
13 006, 5584 MISSION BLVD., RIVERSIDE, ) FINDINGS OF FACT,  
COUNTY OF RIVERSIDE, STATE OF ) CONCLUSIONS AND ORDER TO  
14 CALIFORNIA; DAVID GUARACHA AND ) ABATE NUISANCE  
KEVIN BUSH, TRUSTEES OF THE 5584 )  
15 MISSION BLVD TRUST, OWNER; ARTURO ) [R.C.O. Nos. 457 (RCC Title 15) and  
JESUS ALCARAZ, TRUSTEE OF THE ) 541 (RCC Title 8)]  
16 ESPERANZA AGUILAR REVOCABLE TRUST )  
DATED 11/5/08, ADDITIONAL OWNER. )  
17

18 The above-captioned matter came on regularly for hearing on January 11, 2011, before the  
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
21 property described 5584 Mission Blvd., Riverside, Assessor's Parcel Number 181-053-006 and  
22 referred to hereinafter as "THE PROPERTY."

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

25 No one appeared on behalf of owner.

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

1 and 541 (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 David Guaracha and Kevin Bush, Trustees of the 5584 Mission Blvd Trust  
5 ("OWNER") and Arturo Jesus Alcaraz, Trustee of the Esperanza Aguilar Revocable Trust Dated  
6 11/5/08 ("ADDITIONAL 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 June 22, 2009,  
10 October 27, 2009, April 13, 2010, May 20, 2010, October 21, 2010, December 15, 2010 and January  
11 7, 2011.

12 4. During each inspection, one substandard structure (single-story wood-framed  
13 commercial building) was observed on THE PROPERTY. The structure was observed to be  
14 abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not  
15 limited to: lack of or improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and  
16 cold running water to plumbing fixtures; lack of required electrical lighting; hazardous wiring;  
17 defective or deteriorated flooring or floor supports; members of walls, partitions or other vertical  
18 supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings,  
19 roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to  
20 defective material or deterioration; dampness of habitable rooms; faulty weather protection; general  
21 dilapidation; and public and attractive nuisance.

22 5. During each inspection an accumulation of rubbish was observed throughout THE  
23 PROPERTY consisting of but not limited to: lumber, auto parts, appliances, pipe, drums, machinery,  
24 furniture, building materials, paint cans, bottles, paper shrub and tree limbs, trimmings, leaves, grass  
25 clippings, trash, litter, garbage, barrels, bricks, boxes, crates, cartons, containers, cardboard,  
26 packaging, discarded mattresses, vegetative waste and other materials and substances.

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



1 removing and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside  
2 County Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety  
3 (90) days.

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

9 **ORDER TO ABATE NUISANCE**

10 IT IS THEREFORE ORDERED that the substandard structure (single-story wood-framed  
11 commercial building) on THE PROPERTY be abated by the OWNER and ADDITIONAL OWNER,  
12 David Guaracha and Kevin Bush, Trustees of the 5584 Mission Blvd Trust; and Arturo Jesus Alcaraz,  
13 Trustee of the Esperanza Aguilar Revocable Trust dated 11/5/08, respectively, or anyone having  
14 possession or control of THE PROPERTY, by razing and removing the substandard structure  
15 including the removal and disposal of all structural debris and materials, as well as the contents  
16 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and  
17 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,  
18 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the  
19 posting and mailing of this Order to Abate Nuisance.

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

28 FURTHERMORE, the OWNERS AND ADDITIONAL OWNER are ordered to ascertain

1 the existence or non-existence of asbestos containing materials in said structure by survey and  
2 materials sample testing by a duly licensed and certified asbestos consultant; and, prior to the  
3 abatement ordered hereinabove, to secure the removal of all asbestos containing materials discovered  
4 through such survey and testing by contract with a duly certified and licensed contractor for the  
5 handling of such materials to avoid citations and/or fines by South Coast Air Quality Management  
6 District (SCAQMD).

7 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
8 abated by the OWNERS, ADDITIONAL OWNER, or anyone having possession or control of THE  
9 PROPERTY, by removing and disposing of all rubbish from THE PROPERTY in strict accordance  
10 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.  
11 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

12 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
13 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
14 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to  
15 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside  
16 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
17 owner's consent or a Court Order when necessary under 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. 457 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and 725 (RCC  
22 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
23 expenses reasonably related to the abatement of conditions which violate County Land Use  
24 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  
26 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from the OWNERS and ADDITIONAL OWNER even if THE PROPERTY is brought  
2 into compliance within ninety (90) 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 COUNTY  
BY: L. ALEXANDRA FONG DATE

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