

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

507B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
FEB 3, 2011

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV09-03195 [CONCIALDI]
Subject Property: 29000 Sunnyslope Street, Desert Hot Springs;
APN: 750-110-037

District: Four

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-03195 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 09-03195; 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 09-03195.

(Continued)

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:
Jennifer L. Sargent
County Executive Office Signature

Policy
 Consent
 Policy
 Consent

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

2.18

Abatement of Public Nuisance
Case No.: CV09-03195 [CONCIALDI]
29000 Sunnyslope Street, Desert Hot Springs
District Four
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 structure (block wall constructed home) 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 09-03195
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATED RUBBISH]; APN 750-110-037,)
13 29000 SUNNYSLOPE STREET, DESERT HOT) FINDINGS OF FACT,
SPRINGS, COUNTY OF RIVERSIDE, STATE) CONCLUSIONS AND ORDER TO
14 OF CALIFORNIA; JOHN JOSEPH CONCIALDI,) ABATE NUISANCE
OWNER.)
15) [R.C.O. No. 457, RCC Title 15]
16) [R.C.O. No. 541, RCC Chapter 8]

17 The above-captioned matter came on regularly for hearing on January 11, 2011, 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 29000 Sunnyslope Street, Desert Hot Springs, Assessor's Parcel Number 750-
21 110-037 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 owner and did not address the Board of Supervisors.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structure 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

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of
3 THE PROPERTY as John Joseph Concialdi ("OWNER").

4 2. Documents of title indicate that no other party potentially holds a legal interest in THE
5 PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 27, 2010,
7 June 17, 2010, July 27, 2010, August 16, 2010, September 28, 2010, October 27, 2010, December
8 15, 2010 and January 10, 2011.

9 4. During each inspection, one (1) substandard structure (block wall constructed home)
10 was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and
11 vacant. The structure contained numerous deficiencies, including but not limited to: faulty weather
12 protection including broken and missing windows, holes in the walls and parts of the roof are missing;
13 general dilapidation or improper maintenance, and abandoned, vacant, public and attractive nuisance.

14 5. During each inspection an accumulation of rubbish was observed throughout THE
15 PROPERTY consisting of but not limited to: metal, plastic, wood, furniture, tires and household
16 trash.

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

19 7. A Notice of Noncompliance was recorded on January 4, 2010, as Document Number
20 2010-0000731 in the Office of the County Recorder, County of Riverside.

21 8. On April 27, 2010, a Notice of Violation, Notice of Defects, a "Danger Do Not Enter"
22 and a "Do Not Dump" signs were posted on THE PROPERTY. On April 29, 2010, Notices of
23 Violation for the substandard structure and accumulation of rubbish were mailed to OWNER by
24 certified mail, return receipt requested. On October 1, 2010, these Notices were mailed to OWNER
25 by first class mail.

26 9. On December 14, 2010, a "Notice to Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January
28 11, 2011, was mailed by certified mail, return receipt requested, to OWNER and was posted on THE

1 PROPERTY on December 16, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on January 11, 2011, finds and concludes that:

5 1. WHEREAS, the substandard structure (block wall constructed home) and
6 accumulation of rubbish on the real property located at 29000 Sunnyslope Street, Desert Hot Springs,
7 Riverside County, California, also identified as Assessor's Parcel Number 750-110-037 violates
8 Riverside County Ordinance Nos. 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) and
9 constitutes a public nuisance.

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

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

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (block wall constructed
26 home) on THE PROPERTY be abated by the OWNER, John Joseph Concialdi, or anyone having
27 possession or control of THE PROPERTY, by razing and removing the substandard structure
28 including the removal and disposal of all structural debris and materials, as well as the contents

1 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
2 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
3 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
4 posting and mailing of this Order to Abate Nuisance.

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

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

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

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
26 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
27 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an

FORM APPROVED COUNTY COUNSEL
BY: L. Alexander Fong / 3/11
DATE

1 owner's consent or a Court Order when necessary under applicable law.

2 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
3 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
4 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
5 County Ordinance Nos. 457 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and 725 (RCC
6 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
7 expenses reasonably related to the abatement of conditions which violate County Land Use
8 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
9 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
10 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
11 recoverable from the OWNER even if THE PROPERTY is brought into compliance within ninety
12 (90) days of the date of this Order to Abate Nuisance.

14 Dated: _____

COUNTY OF RIVERSIDE

16 By _____
17 Marion Ashley
18 Chairman, Board of Supervisors

18 ATTEST:
19 KECIA HARPER-IHEM
20 Clerk to the Board

22 By _____
23 Deputy
24 (SEAL)

28 LA\Code Enforcement\Abatements\2010\2009\CV09-03195\457 and 541 FOF.DOC