

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

506 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2011

SUBJECT: Order to Abate [Substandard Structures]
Case No: CV 10-06142 [SANCHEZ]
Subject Property: 1 Parcel West of 21950 Salter Rd., Lake Mathews;
APN: 323-020-020
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-06142 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 10-06142; 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 10-06142.

(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

- Consent
- Policy
- Consent
- Policy

Dept Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV10-06142 [SANCHEZ]
1 Parcel West of 21950 Salter Rd., Lake Mathews
APN# 323-020-020
District One
Page 2

BACKGROUND:

On April 12, 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 (main dwelling/house and well shed) 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
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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 10-06142
12 [SUBSTANDARD STRUCTURES]; APN 323-)
020-020, 1 PARCEL WEST OF 21950 SALTER)
13 RD., LAKE MATHEWS, COUNTY OF) FINDINGS OF FACT,
RIVERSIDE COUNTY, STATE OF) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; ROBERTO SANCHEZ, OWNER.) ABATE NUISANCE
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 April 12, 2011, 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 1 Parcel West of 21950 Salter Rd., Lake Mathews, Assessor's Parcel Number
20 323-020-020 and referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Hector Viray, 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 structures on *THE PROPERTY* as violation of
26 Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and as a public nuisance.

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SUMMARY OF EVIDENCE

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: American Raisin Packers, Inc. c/o Wild Carter & Tipton, APC; State of
6 California Franchise Tax Board; and Internal Revenue Services ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on July 1, 2010,
8 August 25, 2010 and March 30, 2011.

9 4. During each inspection, two (2) substandard structures (main dwelling/house and well
10 shed) were observed on THE PROPERTY. The structures were observed to be abandoned,
11 dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to:
12 lack of improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running
13 water to plumbing fixtures; lack of connection to required sewage system; lack of required electrical
14 lighting; lack of adequate heating facilities; defective or deteriorated flooring or floor supports;
15 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or
16 buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather
17 protection – deteriorated or ineffective weather proofing of exterior walls, roof or floors including
18 broken windows or doors, lack of paint or other approved wall covering; general dilapidation or
19 improper maintenance; and public and attractive nuisance – abandoned/vacant.

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

22 6. A Notice of Noncompliance was recorded on November 16, 2010, as Document
23 Number 2010-0553174 in the Office of the County Recorder, County of Riverside.

24 7. On July 1, 2010, a Notice of Violation and Notice of Defects was posted on THE
25 PROPERTY for Structure #1 – main dwelling/house and a Notice of Defects was posted on Structure
26 #2 – well shed. On July 27, 2010 and October 14, 2010, Notices of Violation and Notices of Defects
27 were mailed to OWNER by certified mail, return receipt requested.

28 8. On March 28, 2011, a "Notice to Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on April 12,
2 2011, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
3 PARTIES and was posted on THE PROPERTY on March 30, 2011.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on April 12, 2011, finds and concludes that:

7 1. WHEREAS, the substandard structures (main dwelling/house and well shed) on the
8 real property located at 1 Parcel west of 21950 Salter Rd., Lake Mathews, Riverside County,
9 California, also identified as Assessor's Parcel Number 323-020-020 violates Riverside County
10 Ordinance Nos. 457 (RCC Title 15) and constitutes a public nuisance.

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

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the substandard structures (main dwelling/house and
24 well shed) on THE PROPERTY be abated by the OWNER, Roberto Sanchez, or anyone having
25 possession or control of THE PROPERTY, by razing and removing the substandard structures
26 including the removal and disposal of all structural debris and materials, as well as the contents
27 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and
28 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,

1 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
2 posting and mailing of this Order to Abate Nuisance.

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

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

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

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12 Dated: _____

COUNTY OF RIVERSIDE

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14 By _____
15 Bob Buster
16 Chairman, Board of Supervisors

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

20 By _____
21 Deputy
22 (SEAL)
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FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 9/25/11
DATE
ALEXANDRA FONG