

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

806B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 3, 2011

SUBJECT: Order to Abate [Substandard Mobilehome/Structure; Land Use Violation]
Case No: CV 10-08354 [Property Owner: BONINI]
Subject Property: 52207 Maxine Ave., Cabazon, APN: 528-103-019
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-08354 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 10-08354; 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 10-08354.

Departmental Concurrence

(Continued)

PATTI F. SMITH, 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

County Executive Office Signature

Policy

Consent

Consent

ALL RECOMMENDATIONS FILED WITH THE CLERK OF THE BOARD

Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV10-08354 [BONINI]
52207 Maxine Ave., Cabazon
APN#528-103-019
District 5
Page 2

BACKGROUND:

On September 27, 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 mobilehome/structure and land use violation located on the subject property to be public nuisances. 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)
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5 WHEN RECORDED PLEASE MAIL TO:
6 Patti F. Smith, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-08354
12)
13 52207 MAXINE AVE., CABAZON, RIVERSIDE) FINDINGS OF FACT,
COUNTY, CALIFORNIA; APN 528-103-019) CONCLUSIONS AND ORDER TO
14) ABATE NUISANCE
15 JOAN A. BONINI,)
OWNER.) [R.C.O. Nos. 348, 457 and 725]

17 The above-captioned matter came on regularly for hearing on September 27, 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 as 52207 Maxine Ave., Cabazon, Assessor's Parcel Number 528-103-019 and
21 referred to hereinafter as "THE PROPERTY."

22 Patti F. Smith, Deputy County Counsel, appeared along with Jason Heagstedt, Code
23 Enforcement Officer and Glenn Baude, Director of the Code Enforcement Department.

24 Members of the public addressed 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 mobilehome/structure and land use violation on
27 THE PROPERTY as violation of Riverside County Ordinance Nos. 348, 457 and as a public
28 nuisance.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Joan A. Bonini (“OWNER”).

4 2. THE PROPERTY is occupied by parishioners from Set Free Christian Fellowship –
5 Yucaipa (hereinafter referred to as “SET FREE”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on January 13, 2011,
7 February 23, 2011, May 24, 2011 and July 20, 2011.

8 4. During the July 20, 2011 inspection, the officer observed substandard
9 mobilehome/structure and eleven (11) women and one (1) child residing in an illegal halfway house,
10 group home or addiction recovery center on THE PROPERTY. The structure was observed to be
11 dilapidated and contained the following deficiency, including but not limited to: hazardous
12 plumbing; hazardous wiring; lack of adequate heating facilities; deteriorated or inadequate
13 stabilizing devices; defective or deteriorated flooring or floor supports; members of ceiling, roof,
14 ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective
15 material or deterioration; dampness of habitable rooms; faulty weather protection; general
16 dilapidation or improper maintenance; fire hazard; improper use of a mobilehome; and
17 substandard/illegal addition to mobilehome.

18 5. THE PROPERTY was determined to be in violation of Riverside County Ordinances
19 Nos. 348 and 457 by the Code Enforcement Officer.

20 6. A Notice of Pendency of Administrative Proceedings was recorded on June 15, 2011,
21 as Document Number 2011-0263131 in the Office of the County Recorder, County of Riverside.

22 7. On July 20, 2011, Notice of Violation, Notice of Defects and a “Danger Do Not
23 Enter” sign was posted on THE PROPERTY. On July 26, 2011, Notice of Violation and Notice of
24 Defects was mailed to OWNER and SET FREE.

25 8. On September 6, 2011, a “Notice to Correct County Ordinance Violations and Abate
26 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on
27 September 27, 2011, was mailed to OWNER and SET FREE and was posted on THE PROPERTY
28 on September 8, 2011.

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 27, 2011, finds and concludes that:

4 1. WHEREAS, the substandard mobilehome/structure and land use violation on the real
5 property located at 52207 Maxine Avenue, Cabazon, Riverside County, California, also identified as
6 Assessor's Parcel Number 528-103-019 violates Riverside County Ordinance Nos. 348 and 457 and
7 constitutes a public nuisance.

8 2. WHEREAS, the OWNER, occupants and any person having possession or control of
9 THE PROPERTY shall abate the substandard structure condition by razing, removing and disposing
10 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)
14 days.

15 3. WHEREAS, the OWNER, occupants and any person having possession or control of
16 THE PROPERTY shall cease the use of THE PROPERTY as a halfway house, group home or
17 addiction recovery center without express land use approval.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED:

24 1. That all above referenced violations on THE PROPERTY be abated by the OWNER,
25 Joan A. Bonini, or anyone having possession or control of THE PROPERTY, by razing and
26 removing the substandard structure including the removal and disposal of all structural debris and
27 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure
28 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all

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

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

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

16 4. That OWNER shall cease the use of THE PROPERTY as a halfway house, group
17 home or addiction recovery center without express land use approval.

18 5. That reasonable abatement costs, after notice and opportunity for hearing, shall be
19 imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
20 PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos.
21 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs
22 or expenses reasonably related to the abatement of conditions which violate County Land Use
23 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
24 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
25 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from the OWNER even if THE PROPERTY is brought into compliance within
2 ninety (90) days of the date of this Order to Abate Nuisance.

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Bob Buster
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)