

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

803B



FROM: County Counsel/TLMA
Code Enforcement Department

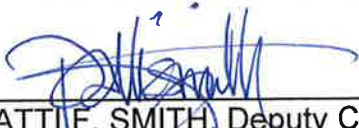
SUBMITTAL DATE:
November 3, 2011

SUBJECT: Order to Abate [Substandard Mobilehome/Structure; Land Use Violations]
Case No: CV 10-08356 [Property Owner: LA ROCCA]
Subject Property: 51905 Lois Ave., Cabazon, APN: 528-042-012
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-08356 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 10-08356; 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 10-08356.

(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
- Policy
- Consent
- Consent

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV10-08356[LA ROCCA]
51905 Lois Ave., Cabazon
APN#528-042-012
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, land use violation and illegal residence housing 2 or more parolee/probationers 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)
3
4

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]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-08356
12)
13 51905 LOIS AVE., CABAZON, RIVERSIDE) FINDINGS OF FACT,
COUNTY, CALIFORNIA; APN 528-042-012) CONCLUSIONS AND ORDER TO
14) ABATE NUISANCE
RAYMOND LA ROCCA AND SUSAN LA)
15 ROCCA,) [R.C.O. Nos. 348, 449, 457 and 725]
16 OWNERS.)
17)

18 The above-captioned matter came on regularly for hearing on September 27, 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 as 51905 Lois Avenue, Cabazon, Assessor's Parcel Number 528-042-012 and
22 referred to hereinafter as "THE PROPERTY."

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

25 Members of the public also addressed the Board of Supervisors.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the substandard mobilehome/structure, land use violation and
28 illegal residence housing 2 or more parolee/probationers on THE PROPERTY as violation of

1 Riverside County Ordinance Nos. 348, 449, 457 and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners
4 of THE PROPERTY as Raymond La Rocca and Susan La Rocca ("OWNERS").

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

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

9 4. During the July 20, 2011 inspection, the officer observed substandard
10 mobilehome/structures, twenty (20) men residing in an illegal halfway house, group home or
11 addiction recovery center, and two or more unrelated parolees/probationers residing in the same
12 residence on THE PROPERTY. The structures were observed to be dilapidated and contained
13 numerous deficiencies, including but not limited to: hazardous plumbing; hazardous wiring;
14 defective or deteriorated flooring or floor supports; members of walls, partitions or other vertical
15 supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings,
16 roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to
17 defective material or deterioration; faulty weather protection; general dilapidation or improper
18 maintenance; and substandard/illegal additions to mobilehome.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinances
20 Nos. 348, 449 and 457 by the Code Enforcement Officer.

21 6. A Notice of Pendency of Administrative Proceedings was recorded on June 15, 2011,
22 as Document Number 2011-0263129 in the Office of the County Recorder, County of Riverside.

23 7. On July 20, 2011, Notice of Violation, Notice of Defects and a "Danger Do Not
24 Enter" sign was posted on THE PROPERTY. On July 26, 2011, Notices of Violation and Notice of
25 Defects was mailed to OWNERS and SET FREE.

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

1 on September 8, 2011.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on September 27, 2011, finds and concludes that:

5 1. WHEREAS, the substandard mobilehome/structure, land use violation and illegal
6 residence housing 2 or more parolee/probationers on the real property located at 51905 Lois Avenue,
7 Cabazon, Riverside County, California, also identified as Assessor's Parcel Number 528-042-012
8 violates Riverside County Ordinance Nos. 348, 449, 457 and constitutes a public nuisance.

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

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

19 4. WHEREAS, the OWNERS, occupants and any person having possession or control of
20 THE PROPERTY shall cease any occupancy of THE PROPERTY by more than one (1)
21 parolee/probationer as per County Ordinance No. 449.

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

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED:

28 1. That all above referenced violations on THE PROPERTY be abated by the

1 OWNERS, Raymond La Rocca and Susan La Rocca, or anyone having possession or control of THE
2 PROPERTY, by razing and removing the substandard structures including the removal and disposal
3 of all structural debris and materials, as well as the contents therein, or by reconstruction and
4 rehabilitation of said structures provided such reconstruction and rehabilitation can be accomplished
5 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
6 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
7 Nuisance.

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

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

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

23 5. That THE PROPERTY shall not be occupied by more than one (1)
24 parolee/probationer as per County Ordinance No. 449.

25 6. That reasonable abatement costs, after notice and opportunity for hearing, shall be
26 imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
27 PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos.
28 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs

1 or expenses reasonably related to the abatement of conditions which violate County Land Use
2 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
3 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
4 violation.” Reasonable abatement costs accrued by the Code Enforcement Department will be
5 recoverable from the OWNERS even if THE PROPERTY is brought into compliance within ninety
6 (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)