

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

807B



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 10-08357 [Property Owner: MASTRANGELO]
Subject Property: 51919 Adele Ave., Cabazon, APN: 528-032-012
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-08357 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 10-08357; 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 10-08357.

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

- Consent
- Policy
- Consent
- Policy

Dep't Requirements FILED WITH THE CLERK OF THE BOARD Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV10-08357[MASTRANGELO]
51919 Adele Ave., Cabazon
APN#528-032-012
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 10-08357
12)
13 51919 ADELE AVE., CABAZON, RIVERSIDE) FINDINGS OF FACT,
COUNTY, CALIFORNIA; APN 528-032-012) CONCLUSIONS AND ORDER TO
14) ABATE NUISANCE
DOROTHY J. MASTRANGELO and)
15 DOMINIQUE J. MASTRANGELO, TRUSTEES) [R.C.O. Nos. 348, 449, 457 and 725]
OF THE DOROTHY J. MASTRANGELO TRUST,)
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 51919 Adele Avenue, Cabazon, Assessor's Parcel Number 528-032-012 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, including the property OWNERS, also addressed the Board of
26 Supervisors.

27 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
28 with attached Exhibits, evidencing the substandard mobilehome/structure, land use violation and

1 illegal residence housing 2 or more parolee/probationers on THE PROPERTY as violation of
2 Riverside County Ordinance Nos. 348, 449, 457 and as a public nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners
5 of THE PROPERTY as Dorothy J. Mastrangelo and Dominique J. Mastrangelo, Trustees of the
6 Dorothy J. Mastrangelo Trust ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to-wit: Harry L. Borg and Gertrude D. Borg (hereinafter collectively referred to as
9 "INTERESTED PARTIES"). THE PROPERTY is occupied by parishioners from Set Free Christian
10 Fellowship – Yucaipa (hereinafter referred to as "SET FREE").

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

13 4. During the July 20, 2011 inspection, the officer observed substandard
14 mobilehome/structures, seventeen (17) men residing in an illegal halfway house, group home or
15 addiction recovery center, and two or more unrelated parolees/probationers residing in the same
16 residence on THE PROPERTY. The structures were observed to be dilapidated and contained
17 numerous deficiencies, including but not limited to: hazardous plumbing; hazardous wiring;
18 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or
19 buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather
20 protection; general dilapidation or improper maintenance; fire or explosion hazard; and
21 substandard/illegal additions to mobilehome.

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

24 6. A Notice of Pendency of Administrative Proceedings was recorded on June 15, 2011,
25 as Document Number 2011-0263126 in the Office of the County Recorder, County of Riverside.

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

1 Civil Procedure Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED:

4 1. That all above referenced violations on THE PROPERTY be abated by the
5 OWNERS, Dorothy J. Mastrangelo and Dominique J. Mastrangelo, Trustees of the Dorothy J.
6 Mastrangelo Trust, or anyone having possession or control of THE PROPERTY, by razing and
7 removing the substandard structures including the removal and disposal of all structural debris and
8 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structures
9 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all
10 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
11 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

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

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

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

11
12 Dated: _____

COUNTY OF RIVERSIDE

13
14 By _____
15 Bob Buster
Chairman, Board of Supervisors

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

19
20 By
21 Deputy
22 (SEAL)
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