

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

302 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 16, 2014

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No.: CV12-04741 [BRANSTON]
Subject Property: 31775 and 31777 Lakeshore Dr., Redlands; APN: 413-132-043 and 413-132-044
District: 5/5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV12-04741 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. CV12-04741; 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. CV12-04741.

BACKGROUND:

Summary

On March 25, 2014, 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 (Continued)


PATRICIA MUNROE
Deputy County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION: APPROVE

BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.: 03/25/14; 9.4 | District: 5/5 | Agenda Number:

2-3

Departmental Concurrence

FORM 11: Order to Abate [Substandard Structures & Accumulated Rubbish]

Case No. : CV12-04741 [BRANSTON]

Subject Property: 31775 and 31777 Lakeshore Dr., Redlands; APN: 413-132-043 and 413-132-044

District: 5/5 [\$0.00]

DATE: April 16, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

(dwellings) 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.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 12-04741
14 [SUBSTANDARD STRUCTURES AND)
15 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
16 APN 413-132-043 AND 413-132-044, 31775 AND) CONCLUSIONS AND ORDER TO
17 31777 LAKESHORE DR., REDLANDS,) ABATE NUISANCE
18 RIVERSIDE COUNTY, CALIFORNIA;)
19 JONATHAN E. BRANSTON,) R.C.O. Nos. 457, 541 and 725
20)
21)
22)
23)
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28)
OWNER.

17 The above-captioned matter came on regularly for hearing on March 25, 2014, 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 31775 and 31777 Lakeshore Dr., Redlands, Riverside County, Assessor's
21 Parcel Number 413-132-043 and 413-132-044 referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, 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 Jonathan E. Branston (“OWNER”).

4 2. Documents of title indicate that no other parties hold a legal interest in THE
5 PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 26,
7 2012, December 10, 2012, January 8, 2013, June 12, 2013, August 29, 2013, January 3, 2014,
8 February 24, 2014, and March 24, 2014.

9 4. During each inspection, two substandard structures (dwellings) were observed on
10 THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The
11 structures contained numerous deficiencies, including but not limited to: lack of or improper water
12 closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to plumbing
13 fixtures; lack of connection to required sewage system; lack of required lighting; lack of adequate
14 heating facilities; deteriorated or inadequate foundation; defective or deteriorated flooring or floor
15 supports; members of walls, partitions, or other vertical supports that split, lean, lit, or buckle;
16 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sap, split, or
17 buckle due to defective material or deterioration; or dampness of habitable rooms; faulty weather
18 protection; general dilapidation or improper maintenance; fire hazard; public and attractive nuisance-
19 abandoned/vacant.

20 5. During each inspection an accumulation of rubbish was observed throughout THE
21 PROPERTY consisting of but not limited to: shrubs, tree limbs, trimmings, twigs, leaves, scrap
22 lumber, vegetative waste and demolition debris.

23 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
24 Nos. 457 and 541 by the Code Enforcement Officer.

25 7. A Notice of Pendency of Administrative Proceedings was recorded on October 19,
26 2012, as Document Number 2012-0500962 in the Office of the County Recorder, County of
27 Riverside.

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1 8. On September 26, 2012, a Notice of Violation, Notice of Defects, a "Danger Do Not
2 Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On October 9, 2012 and July
3 29, 2013, Notices of Violation for the substandard structures and accumulation of rubbish were
4 mailed to OWNER by first class mail. On July 29, 2013, Notices of Violation for the substandard
5 structures and accumulation of rubbish were mailed to OWNER by certified mail, return receipt
6 requested.

7 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
8 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNER and
9 was posted on THE PROPERTY.

10 **FINDINGS AND CONCLUSIONS**

11 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
12 regular session assembled on March 25, 2014, finds and concludes that:

13 1. WHEREAS, the two substandard structures (dwellings) and accumulation of rubbish
14 on the real property located at 31775 and 31777 Lakeshore Dr., Redlands, Riverside County,
15 California, also identified as Assessor's Parcel Number 413-132-043 and 413-132-044 violates
16 Riverside County Ordinance Nos. 457 and 541 and constitutes a public nuisance.

17 2. WHEREAS, the OWNER, occupants and any person having possession or control of
18 THE PROPERTY shall abate the substandard structures conditions by razing, removing and
19 disposing of the substandard structures, including the removal and disposal of all structural debris
20 and materials, and contents therein or by reconstruction and rehabilitation of said structure provided
21 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
22 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
23 (90) days.

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

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1 abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing
2 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
3 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
4 days of the date of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
6 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
7 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
8 accumulation of rubbish may be abated by representatives of the Riverside County Code
9 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
10 consent or a Court Order when necessary under applicable law.

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
12 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
14 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
15 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
16 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
17 collection and administrative costs, attorneys fees, and the costs associated with the removal or
18 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)