

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

604B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
September 18, 2014

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No. CV12-03712 [SALAS]  
Subject Property: 52274 Date Ave., Cabazon, APN: 528-113-028  
District: 5/5 [\$0.00]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-03712;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-03712; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV12-03172.

**BACKGROUND:**

**Summary**

On August 5, 2014, this Board held a public hearing and received the declaration of the Code Enforcement Officer and attached evidence in the above-referenced matter and declared the substandard structure (garage) located on the subject property to be a public nuisance. The Board ordered the

(Continued)

GREGORY P. PRIAMOS  
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	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	For Fiscal Year:

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.: 08/05/14; 9.8

District: 5/5

Agenda Number:

**2-6**

Departmental Concurrence

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

**FORM 11:** Order to Abate [Substandard Structure]

Case No. CV12-03712 [SALAS]

Subject Property: 52274 Date Avenue, Cabazon, APN: 528-113-028

District: 5/5 [\$0.00]

**DATE:** September 18, 2014

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

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

FORM APPROVED COUNTY COUNSEL  
BY *LISA A. TRACAK* 8/21/14 DATE

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, Senior 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 12-03712  
14 [SUBSTANDARD STRUCTURE]; )  
15 APN 528-113-028, 52274 DATE AVENUE, ) FINDINGS OF FACT,  
16 CABAZON, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
17 CALIFORNIA; ISABELLE SALAS, OWNER. ) ABATE NUISANCE  
18 )  
19 ) [R.C.O. Nos. 457 and 725  
20 )

21 The above-captioned matter came on regularly for hearing on August 5, 2014, before the  
22 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
23 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
24 property described as 52274 Date Avenue, Cabazon, Assessor’s Parcel Number 528-113-028 and  
25 referred to hereinafter as “THE PROPERTY.”

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

28 Owner did not appear.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of  
Riverside County Ordinance (“RCO”) No. 457 and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

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

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on January 30, 2013,  
7 March 21, 2013, June 6, 2013, September 17, 2013, December 3, 2013, and May 25, 2014.

8 4. During each inspection, a substandard structure (garage) was observed on THE  
9 PROPERTY. The structure was observed to be dilapidated and contained numerous deficiencies,  
10 including but not limited to: members of ceilings, roofs, ceiling and roof supports or other horizontal  
11 members which sag, split, or buckle due to defective material or deterioration; dampness of habitable  
12 rooms; faulty weather protection; extensive fire damage; public and attractive nuisance –  
13 abandoned/vacant.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
15 No. 457 by the Code Enforcement Officer.

16 6. A Notice of Pendency of Administrative Proceedings was recorded on August 15,  
17 2013, as Document Number 2013-0400655 in the Office of the County Recorder, County of  
18 Riverside.

19 7. On January 30, 2013, a Notice of Violation, Notice of Defects and a “Danger Do Not  
20 Enter” sign were posted on THE PROPERTY. On February 6, 2013, Notice of Violation and Notice  
21 of Defects for the substandard structure was mailed to OWNER by first class mail.

22 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
23 providing notice of the public hearing before the Board of Supervisors on August 5, 2014, was  
24 mailed to OWNER on July 1, 2014, and was posted on THE PROPERTY on July 8, 2014.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
27 regular session assembled on August 5, 2014, finds and concludes that:

28 1. WHEREAS, the substandard structure (garage) on the real property located at 52274

1 Date Avenue, Cabazon, Riverside County, California, also identified as Assessor's Parcel Number  
2 528-113-028 violates RCO No. 457 and constitutes a public nuisance.

3 2. WHEREAS, the OWNER, occupants and any person having possession or control of  
4 THE PROPERTY shall abate the substandard structure by razing, removing and disposing of the  
5 substandard structure, including the removal and disposal of all contents therein, structural debris  
6 and materials, or by reconstruction and rehabilitation of said structure, provided that said  
7 reconstruction or demolition can be accomplished in strict accordance with all Riverside County  
8 Ordinances, including but not limited to RCO No. 457, within ninety (90) days.

9 3. WHEREAS, the OWNER IS FURTHER NOTICED that the time within which  
10 judicial review of the administrative determinations made herein must be sought is ninety (90) days  
11 from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and  
12 is governed by California Code of Civil Procedure Section 1094.6.

13 **ORDER TO ABATE NUISANCE**

14 IT IS THEREFORE ORDERED that the substandard structure (garage) on THE PROPERTY  
15 be abated by the OWNER, Isabelle Salas, or anyone having possession or control of THE  
16 PROPERTY, by razing and removing the substandard structure, including the removal and disposal  
17 of all contents therein and structural debris and materials, or by reconstruction and rehabilitation of  
18 said structure, provided such reconstruction and rehabilitation can be accomplished in strict  
19 accordance with all Riverside County Ordinances, including but not limited to RCO No. 457, within  
20 ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

21 IT IS FURTHER ORDERED that if the substandard structure debris, materials and all  
22 contents are not razed, removed and disposed of, or reconstructed and rehabilitated in strict  
23 accordance with all Riverside County Ordinances, including but not limited to RCO No. 457, within  
24 ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard  
25 structure, contents therein, and structural debris and materials, may be abated by representatives of  
26 the Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon  
27 receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing  
28 entry onto THE PROPERTY.

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

7           IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
10 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement  
11 costs" means "any costs or expenses, including County staff time reasonably related to the abatement  
12 of conditions which violate Land Use Ordinances, and shall include, but not be limited to,  
13 enforcement, investigation, summaries, reports, notices, telephonic contact, correspondence, mailing  
14 expense, title search costs, administrative costs including scheduling and participation at hearings,  
15 Hearing Officer costs, expenses incurred by the County, court costs, civil or administrative penalties,  
16 collection, attorneys' fees, and other costs associated with the removal, abatement or correction of a

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1 violation.” Reasonable abatement costs accrued by the County of Riverside will be recoverable from  
2 the OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the  
3 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)