

FORM APPROVED COUNTY COUNSEL  
 BY: GREGORY P. PRIAMOS  
 DATE: 11/3/14

Departmental Concurrence

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

409 B



**FROM:** TLMA – Code Enforcement Department

**SUBMITTAL DATE:**  
 11/18/2014

**SUBJECT:** Abatement of Public Nuisance [Substandard Structures and Accumulated Rubbish]  
 Case No: CV14-02173 [ KAWAJA]  
 Subject Property: 31897 Taylors Road, Thousand Palms; APN:650-290-025  
 District: 4/4 [\$0]

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

1. The substandard structures (Mobile Home on Permanent Foundation and Shed) on the real property located at 31897 Taylors Road, Thousand Palms, Riverside County, California, APN: 650-290-025 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
2. Yacoub Elias Kawaja, the owner of the subject real property, be directed to abate the substandard structures on the property by rehabilitating, removing, and/or demolishing the same from the real property, including the removal and disposal of all structural debris and materials within ninety (90) days.

(Continued)

*Greg Flannery*  
 GREG FLANNERY  
 Code Enforcement Official

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

**SOURCE OF FUNDS** Budget Adjustment: \_\_\_\_\_  
For Fiscal Year: \_\_\_\_\_

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

APPROVE

BY: *Tina Grande*  
 Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

9-3

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

**FORM 11: Abatement of Public Nuisance [Substandard Structures and Accumulated Rubbish]  
Case No: CV14-02173 [KAWAJA]  
Subject Property: 31897 Taylors Road, Thousand Palms; APN: 650-290-025  
District: 4/4**

**DATE:** 11/18/2014  
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**RECOMMENDED MOTION (continued):**

3. The owner be ordered to ascertain the existence or non-existence of asbestos containing materials in said structures by survey and materials sample testing through the Industrial Hygiene Specialist of the County Health Department, Division of Special Services; and prior to the abatement ordered in paragraph number two (2) above, to secure the removal and disposal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines imposed by the South Coast Air Quality Management District (SCAQMD) pursuant to SCAQMD Rule No. 1403.

4. The accumulation of rubbish on the real property located at 31897 Taylors Road, Thousand Palms, be declared a public nuisance and a violation of Riverside County Ordinance No. 541 which does not permit the accumulation of rubbish on the property.

5. Yacoub Elias Kawaja, the owner of the subject property, be directed to abate the accumulation of rubbish on the property by removing and disposing of the same from the real property within ninety (90) days.

6. If the owner or whoever has possession of the real property does not take the above described actions within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, may abate the substandard structures and accumulation of rubbish by removing and disposing of the same from the real property.

7. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.

8. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the substandard structures and accumulation of rubbish on the real property are declared to be in violation of Riverside County Ordinance Nos. 457 and 541, and constitute a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board.

**BACKGROUND:**

1. An initial inspection was made on the subject property by Senior Code Enforcement Officer Hector Herrera on June 2, 2014. The inspection revealed substandard structures (Mobile Home of Permanent Foundation and Shed) on the subject property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structures included, but were not limited to the following: faulty weather protection, general dilapidation or improper maintenance, extensive fire damage, public and attractive nuisance- abandoned/vacant.

2. The inspection also revealed accumulation of rubbish on the subject property in violation of Riverside County Ordinance No. 541. The accumulation of rubbish consisted of but was not limited to the following materials: televisions, wood, metal, broken glass, clothing and trash bags.

3. Follow up inspections on the above-described real property on July 7, 2014, July 29, 2014, July 31, 2014, August 27, 2014 and September 25, 2014, revealed the property continues to be in violation of Riverside County Ordinance Nos. 457 and 541.

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

**FORM 11: Abatement of Public Nuisance [Substandard Structures and Accumulated Rubbish]  
Case No: CV14-02173 [KAWAJA]  
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4. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for substandard structures and accumulated rubbish.

**Impact on Citizens and Businesses**

Failure to abate will have a negative impact on citizens or businesses due to health and safety hazards, nuisance and potential impact on real estate values.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS**

Declaration  
Exhibits A-G

1 **BOARD OF SUPERVISORS**  
2 **COUNTY OF RIVERSIDE**

3 IN RE ABATEMENT OF PUBLIC NUISANCE ) CASE NO. CV 14-02173  
4 [SUBSTANDARD STRUCTURES AND )  
5 ACCUMULATED RUBBISH; APN: 650-290-025, ) DECLARATION OF CODE  
6 31897 TAYLORS ROAD, THOUSAND PALMS, ) ENFORCEMENT OFFICER  
7 COUNTY OF RIVERSIDE, STATE OF ) HECTOR HERRERA  
8 CALIFORNIA; YACOUB ELIAS KAWAJA, )  
9 OWNER. )  
10 ) [RCO Nos. 457 and 541]  
11 )  
12 )

13 I, Hector Herrera, declare that the facts set forth below are personally known to me except to the  
14 extent that certain information is based on information and belief which I believe to be true, and if called  
15 as a witness, I could and would competently testify thereof under oath:

16 1. I am currently employed by the Riverside County Code Enforcement Department as a  
17 Senior Code Enforcement Officer. My current official duties as a Senior Code Enforcement Officer  
18 include inspecting property for violations and enforcement of the provisions of Riverside County  
19 Ordinances.

20 2. On June 2, 2014, I conducted an inspection of the real property described as 31897  
21 Taylors Road, Thousand Palms, Riverside County, California, and further described as Assessor's  
22 Parcel Number 650-290-025 (hereinafter described as "THE PROPERTY"). A true and correct copy of a  
23 Thomas Brothers map page indicating the location of THE PROPERTY is attached hereto and  
24 incorporated herein by reference as Exhibit "A."

25 3. A review of County records and documents disclosed that THE PROPERTY is owned by  
26 Yacoub Elias Kawaja (hereinafter referred to as "OWNER"). A certified copy of the County Equalized  
27 Assessment Roll for the 2014-2015 tax year and a copy of the report generated from the County  
28 Geographic Information System ("GIS") is attached hereto and incorporated herein by reference as  
Exhibit "B." The property is approximately 0.42 acres in size and is located within the R-3 (General  
Residential) zone classification. Accumulated rubbish is not permitted to be located on any property  
within the County of Riverside.

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FORM APPROVED COUNTY COUNSEL  
BY: *[Signature]* Nov. 3, 2014  
DATE  
SOPHIA H. CHOI

1           4.       Based on the Lot Book Report from RZ Title Service dated June 16, 2014 it is determined  
2 that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Jack B. Shaw and  
3 Janice N. Shaw, Trustees of the Shaw Family Trust dated November 16, 1989, Coachella Valley Water  
4 District and Citibank (South Dakota) N.A., (hereinafter referred to as "INTERESTED PARTIES"). A true  
5 and correct copy of the Lot Book Report is attached hereto and incorporated herein by reference as  
6 Exhibit "C."

7           5.       On June 2, 2014, I arrived at THE PROPERTY to conduct an inspection. THE  
8 PROPERTY was open, accessible, with no signs restricting access. I entered and observed accumulated  
9 rubbish on THE PROPERTY including, but not limited to: televisions, wood, metal, broken glass, clothing  
10 and trash bags. This condition causes THE PROPERTY to constitute a public nuisance in violation of  
11 the provisions set forth in Riverside County Ordinance ("RCO") No. 541.

12           6.       I also observed two (2) structures in a state of general dilapidation. I observed the following  
13 conditions which cause the structures to be substandard and THE PROPERTY to constitute a public  
14 nuisance in violation of the provisions set forth in RCO No. 457.

15 Mobile Home on Permanent Foundation:

- 16           1)       Extensive fire damage;
- 17           2)       Public and attractive nuisance – abandoned/vacant.

18 Shed:

- 19           1)       Faulty weather protection;
- 20           2)       General dilapidation or improper maintenance
- 21           3)       Public and attractive nuisance – abandoned/vacant.

22           7.       On June 2, 2014, Notice of Violations, Notices of Defects and "Danger Do Not Enter"  
23 signs were posted on THE PROPERTY. On July 31, 2014, a Notice of Violation was posted on THE  
24 PROPERTY.

25           8.       On June 3, 2014, Notice of Violation and Notice of Defects was mailed to OWNER by first  
26 class mail. On July 9, 2014, Notices of Violation and Notices of Defects were mailed to OWNER and  
27 INTERESTED PARTIES by first class mail.

28           9.       A site plan and photographs depicting the conditions of THE PROPERTY are attached  
hereto and incorporated herein by reference as Exhibit "D."

1           10.     True and correct copies of each Notice issued in this matter and other supporting  
2 documentation are attached hereto and incorporated herein by reference as Exhibit "E."

3           11.     Follow up inspections of the above described real property on July 7, 2014, July 29, 2014,  
4 and July 31, 2014, August 27, 2014 and September 25, 2014, revealed THE PROPERTY continues to  
5 be in violation of RCO Nos. 457 and 541.

6           12.     Based upon my experience, knowledge and visual observations, it is my determination  
7 that the substandard structures (mobile home on permanent foundation and shed) and accumulated  
8 rubbish on THE PROPERTY creates an extreme health, safety, fire and structural hazard to the  
9 neighbors and general public and constitutes a public nuisance in violation of the provisions set forth in  
10 RCO Nos. 457 and 541.

11          13.     A recent inspection showed THE PROPERTY remained in violation and constitutes a  
12 public nuisance in violation of the provisions set forth of RCO Nos. 457 and 541.

13          14.     A Notice of Pendency of Administrative Proceedings was recorded in the Office of the  
14 County Recorder, County of Riverside, State of California, on July 16, 2014, as Instrument Number  
15 2014-0263455. A true and correct copy of which is attached hereto and incorporated herein by reference  
16 as Exhibit "F."

17          15.     A Notice to Correct County Ordinance Violations and Abate Public Nuisance, providing  
18 notification of the Board of Supervisors' hearing was mailed to OWNER and INTERESTED PARTIES by  
19 first class mail and was posted on THE PROPERTY. True and correct copies of the Notice, together  
20 with Proof of Service and the Affidavit of Posting of Notice are attached as hereto and incorporated  
21 herein as Exhibit "G."

22          16.     Significant rehabilitation, removal and/or demolition of the substandard structures and  
23 removal and disposal of all structural materials, rubbish and debris are required to abate the public  
24 nuisance and bring THE PROPERTY into compliance with RCO No. 457, the Health and Safety, Uniform  
25 Housing, Administrative and Abatement of Dangerous Buildings Codes. In addition, the removal and  
26 disposal of all accumulated rubbish is required to abate the nuisance and bring THE PROPERTY into  
27 compliance with Riverside County Ordinance No. 541 and the Health and Safety Codes.

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1           17.   Accordingly, the following findings and conclusions are recommended:

2           (a)    the structures (mobile home on permanent foundation and shed) be condemned  
3 as substandard buildings, public and attractive nuisance;

4           (b)    the OWNER, or whoever has possession or control of THE PROPERTY, be  
5 required to rehabilitate or demolish said structures, including the removal and disposal of all structural  
6 debris and materials, on THE PROPERTY in accordance with the provisions of RCO No. 457;

7           (c)    the OWNER, or whoever has possession or control of THE PROPERTY, be  
8 ordered to ascertain the existence or non-existence of asbestos containing materials in said structures by  
9 survey and materials sample testing through the Industrial Hygiene Specialist of the County Health  
10 Department, Division of Special Services; and, prior to the abatement ordered in subsection (b) above, to  
11 secure the removal and disposal of all asbestos containing materials discovered through such survey  
12 and testing by contract with a duly certified and licensed contractor for the handling of such materials to  
13 avoid citations and/or fines by South Coast Air Quality Management District ("SCAQMD") pursuant to  
14 SCAQMD Rule No. 1403;

15           (d)    if the substandard structures are not razed, removed and disposed of, or  
16 reconstructed in strict accordance with all Riverside County Ordinances, including but not limited to RCO  
17 No. 457, within ninety (90) days of the date of the Board's Order to Abate, the substandard structures  
18 and contents therein may be abated by representatives of the Riverside County Code Enforcement  
19 Department, a contractor, or the Sheriff's Department upon receipt of an owner's consent or a Court  
20 Order where necessary under applicable law authorizing entry onto THE PROPERTY;

21           (e)    the accumulation of rubbish on THE PROPERTY be deemed and declared a public  
22 nuisance;

23           (f)    the OWNER, or whoever has possession or control of THE PROPERTY be  
24 required to remove and dispose of all rubbish in strict accordance with RCO No. 541.

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1 (g) if the rubbish is not removed and disposed of in strict accordance with all Riverside  
2 County Ordinances, including but not limited to RCO No. 541, within ninety (90) days after posting and  
3 mailing of the Board's Order and Findings, the rubbish may be abated by representatives of the  
4 Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt  
5 of an owner's consent or a Court Order, where necessary by law, authorizing entry into THE  
6 PROPERTY; and

7 (h) that reasonable costs of abatement, after notice and opportunity for hearing, shall be  
8 imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE  
9 PROPERTY pursuant to Government Code Section 25845 and RCO Nos. 457, 541 and 725.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
11 true and correct.

12 Executed this 21<sup>ST</sup> day of OCTOBER, 2014, at PALM DESERT, California.

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15 \_\_\_\_\_  
16 HECTOR HERRERA  
17 Senior Code Enforcement Officer  
18 Code Enforcement Department  
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