

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

115B



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

**SUBMITTAL DATE:**  
May 19, 2015

**SUBJECT:** Order to Abate [Substandard Structures]  
Case No. CV11-05952 [MENDOZA]  
Subject Property: 24125 Minton Road, Homeland; APN: 455-020-054  
District: 5 [\$0.00]

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

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05952;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05952; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-05952.

**BACKGROUND:**

**Summary**

On April 28, 2015, 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 (dwelling and accessory structure) located on the subject property to be a public nuisance. The Board

(Continued)

GREGORY P. PRIAMOS  
County Counsel

Departmental Concurrence

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>
	<b>For Fiscal Year:</b>

**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

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

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

Case No. CV11-05952 [MENDOZA]

Subject Property: 24125 Minton Road, Homeland; APN: 455-020-054

District: 5 [\$0.00]

**DATE:** May 19, 2015

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

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

5 WHEN RECORDED PLEASE MAIL TO:  
6 Michelle Cervantes, Senior Code Enforcement Officer  
Regina Keyes, Senior Code Enforcement Officer  
7 CODE ENFORCEMENT DEPARTMENT  
4080 Lemon Street, Twelfth Floor (Stop #1012)  
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 11-05952  
12 [SUBSTANDARD STRUCTURES]; )  
13 APN 455-020-054, 24125 MINTON ROAD, ) FINDINGS OF FACT,  
HOMELAND, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
14 CALIFORNIA; SAUL MENDOZA, OWNER. ) ABATE NUISANCE  
15 ) [R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on April 28, 2015, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 24125 Minton Road, Homeland, Riverside County, Assessor's Parcel Number  
20 455-020-054 and referred to hereinafter as "THE PROPERTY."

21 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior Code  
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Owner did not appear.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with attached Exhibits, evidencing the substandard structures on THE PROPERTY as violation of  
26 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 Saul Mendoza (“OWNER”).

4 2. Documents of title indicate that another party may potentially hold a legal interest in  
5 THE PROPERTY, to wit: State of California Franchise Tax Board (“INTERESTED PARTY”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on July 12, 2013, and  
7 on 7 subsequent inspections, the last being April 22, 2015.

8 4. During each inspection, substandard structures (dwelling and accessory structure)  
9 were observed on THE PROPERTY. The structures were observed to be dilapidated and contained  
10 numerous deficiencies, including but not limited to: lack of connection to required sewer system;  
11 hazardous plumbing; lack of required lighting; hazardous wiring; lack of adequate heating facilities;  
12 defective or deteriorated flooring or floor supports; members of walls, partitions, or other vertical  
13 supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings,  
14 roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to  
15 defective material or deterioration; dampness of habitable rooms; faulty weather protection; public  
16 and attractive nuisance – abandoned/vacant; unpermitted construction.

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

19 6. A Notice of Pendency of Administrative Proceedings was recorded on January 7,  
20 2015, as Document Number 2015-0006158 in the Office of the County Recorder, County of  
21 Riverside.

22 7. On July 12, 2013, a Notice of Violation, Notice of Defects and a “Danger Do Not  
23 Enter” sign were posted on THE PROPERTY. On June 10, 2014, Notice of Violation and Notice of  
24 Defects for the substandard structures was mailed to OWNER and INTERESTED PARTY by  
25 certified mail, return receipt requested and by first class mail.

26 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
27 providing notice of the public hearing before the Board of Supervisors on April 28, 2015, was mailed  
28 to OWNER and INTERESTED PARTY and was posted on THE PROPERTY.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
3 regular session assembled on April 28, 2015, finds and concludes that:

4 1. WHEREAS, the substandard structures (dwelling and accessory structure) on the real  
5 property located at 24125 Minton Road, Homeland, Riverside County, California, also identified as  
6 Assessor's Parcel Number 455-020-054 violates RCO No. 457 and constitutes a public nuisance.

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

13 3. WHEREAS, the OWNER AND INTERESTED PARTY ARE FURTHER NOTICED  
14 that the time within which judicial review of the administrative determinations made herein must be  
15 sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and  
16 Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

17 **ORDER TO ABATE NUISANCE**

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

25 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and  
26 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
27 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and  
28 mailing of this Order to Abate Nuisance, the substandard structures, contents therein, and structural

1 mailing of this Order to Abate Nuisance, the substandard structures, contents therein, and structural  
2 debris and materials, may be abated by representatives of the Riverside County Code Enforcement  
3 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court  
4 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

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 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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4 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

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By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

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ATTEST:

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KECIA HARPER-IHEM

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Clerk to the Board

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By

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Deputy

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(SEAL)

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