

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

306B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 17, 2015

SUBJECT: Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulated Rubbish]
Case No. CV11-03620 [SCHWARTZ]
Subject Property: 17211 Covey Street, North Palm Springs; APN: 666-201-012
District: 5 [\$0.00]

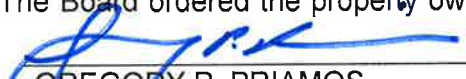
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-03620;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-03620; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-03620.

BACKGROUND:

Summary

On June 2, 2015, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the substandard structure, excessive outside storage, and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner (Continued)

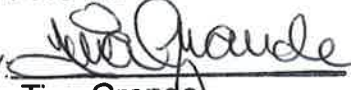

GREGORY P. PRIAMOS
County Counsel

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	\$	\$	\$	\$	

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.: 06/02/14; 9.5 | District: 5 | Agenda Number:

2-12

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Substandard Structures, Excessive Outside Storage &
Accumulated Rubbish];**

Case No. CV11-03620 [SCHWARTZ]

Subject Property: 17211 Covey Street, North Palm Springs; APN: 666-201-012

District: 5 [\$0.00]

DATE: June 17, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

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 11-03620
12 [SUBSTANDARD STRUCTURES, EXCESSIVE)
OUTSIDE STORAGE AND ACCUMULATION) FINDINGS OF FACT,
13 OF RUBBISH]; APN 666-201-012, 17211 COVEY) CONCLUSIONS AND ORDER TO
STREET, NORTH PALM SPRINGS, RIVERSIDE) ABATE NUISANCE
14 COUNTY, CALIFORNIA; ANNE MARIE)
SCHWARTZ, OWNER.) R.C.O. Nos. 348, 457, 541 and 725
15)
16)

17 The above-captioned matter came on regularly for hearing on June 2, 2015, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 17211 Covey Street, North Palm Springs, Riverside County, California, Assessor's
21 Parcel Number 666-201-012 and referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior Code
23 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, excessive outside storage of materials
27 and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos.
28 348, 457 and 541 and as a public 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 Anne Marie Schwartz (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Anne Marie Schwartz, as Trustee of The Anne Marie Schwartz Living
6 Trust, U/A dated August 7, 2007, The Security Trust, by Southwestern Services, Incorporated,
7 Mission Springs Water District and County Records Research, Inc., (hereinafter referred to as
8 “INTERESTED PARTIES”).

9 3. THE PROPERTY was inspected by Code Enforcement Officers on June 25, 2014,
10 and on six (6) subsequent follow-up inspections, the last being May 26, 2015.

11 4. During each inspection, substandard structures (dwelling and accessory structure)
12 were observed on THE PROPERTY. The structures were observed to be in a general state of
13 dilapidation. The structures contained numerous deficiencies, including but not limited to: lack of or
14 improper water closet, lavatory, bathtub, shower, or kitchen sink; lack of hot and cold running water
15 to plumbing fixtures; hazardous wiring; lack of adequate heating facilities; members of ceilings,
16 roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to
17 defective material or deterioration; dampness of habitable rooms; faulty weather protection; general
18 dilapidation or improper maintenance; and public and attractive nuisance- abandoned/vacant.

19 5. During each inspection an accumulation of rubbish and excess outside storage was
20 also observed throughout THE PROPERTY consisting of but not limited to: household items, spent
21 building materials, household furniture, appliances, mattresses, green waste and approximately 100
22 tires, in excess of 2,000 square feet.

23 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
24 Nos. 348, 457 and 541 by the Code Enforcement Officer.

25 7. A Notice of Pendency of Administrative Proceedings was recorded at the Riverside
26 County Recorder’s Office on July 27, 2011, as instrument number 2011-0327644.

27 8. On June 25, 2014, a Notice of Violation, Notice of Defects and “Danger- Do Not
28 Enter” signs were posted on THE PROPERTY.

1 materials by removing and disposing of all rubbish and excessive outside storage on THE
2 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
3 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

4 4. WHEREAS, the OWNER and INTERESTED PARTIES ARE HEREBY FURTHER
5 NOTICED that the time within which judicial review of the administrative determinations made
6 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
7 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
8 Section 1094.6.

9 **ORDER TO ABATE NUISANCE**

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

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

26 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
27 asbestos containing materials in said structures by survey and materials sample testing by a duly
28 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure

1 the removal of all asbestos containing materials discovered through such survey and testing by
2 contract with a duly certified and licensed contractor for the handling of such materials to avoid
3 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

4 IT IS FURTHER ORDERED that the accumulation of rubbish and excessive outside storage
5 of materials on THE PROPERTY be abated by OWNER or anyone having possession or control of
6 THE PROPERTY by removing and disposing of all rubbish and excessive outside storage of
7 materials on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
8 but not limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the
9 posting and mailing of this Order to Abate Nuisance.

10 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
11 storage of materials is not removed and disposed of in strict accordance with all Riverside County
12 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
13 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
14 outside storage of materials may be abated and disposed of by representatives of the Riverside
15 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
16 owner's consent or a Court Order when necessary under applicable law.

17 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
18 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
19 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
20 County Ordinance Nos. 348, 457, 541, and 725. Under Riverside County Ordinance No. 725,
21 "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions
22 which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement,
23 investigation, collection and administrative costs, attorneys fees, and the costs associated with the
24 removal or correction of the violation." Reasonable abatement costs accrued by the Code

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

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Dated: _____

COUNTY OF RIVERSIDE

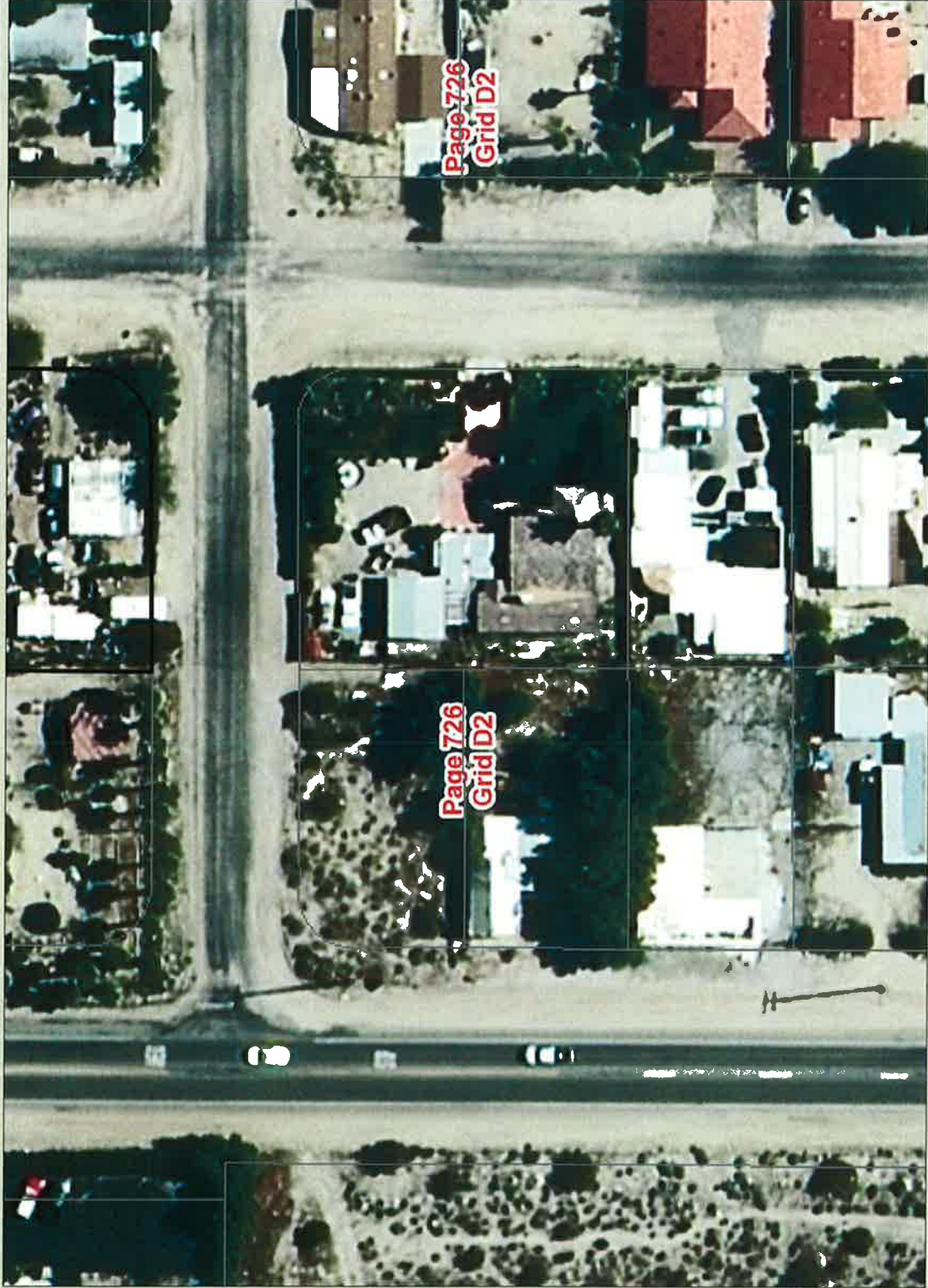
By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board




By
Deputy
(SEAL)

CV11-03620

17211 Covey Street, North Palm Springs APN: 666-201-012



Legend

-  RCLIS Parcels
-  TBM Page
-  TBM Grid



0 77

154 Feet



REPORT PRINTED ON...6/17/2015 7:46:54 AM

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IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

Notes

Thomas Bros Page 726
Grid D2