

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

716 B



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

**SUBMITTAL DATE:**

August 5, 2015

**SUBJECT:** Order to Abate [Substandard Structure & Accumulated Rubbish]  
Case No.: CV10-03752 [VILLAREAL]  
Subject Property: 17379 Sanborn Street, North Palm Springs; APN: 666-212-012  
District: 5 [\$0.00]

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

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV10-03752 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. CV10-03752; 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. CV10-03752.

**BACKGROUND:**

**Summary**

On June 16, 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 structure (dwelling) and accumulated rubbish on the subject property to be a public nuisance. The Board ordered

(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 type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

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

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

APPROVE

BY:   
Alex Gann

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.: 06/16/15; 9.3

District: 5

Agenda Number:

**2-37**

Departmental Concurrence

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

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

Case No.: CV10-03752 [VILLAREAL]

Subject Property: 17379 Sanborn Street, North Palm Springs; APN: 666-212-012

District: 5 [\$0.00]

**DATE:** August 5, 2015

**PAGE:** 2 of 2

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**BACKGROUND:**

**Summary (continued)**

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, Senior Code Enforcement Officer  
7 Regina Keyes, Senior Code Enforcement Officer  
8 CODE ENFORCEMENT DEPARTMENT  
4080 Lemon Street, Twelfth Floor (Stop #1012)  
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 10-03752  
12 [SUBSTANDARD STRUCTURE AND )  
13 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
14 APN 666-212-012, 17379 SANBORN STREET, ) CONCLUSIONS AND ORDER TO  
15 NORTH PALM SPRINGS, RIVERSIDE ) ABATE NUISANCE  
16 COUNTY, CALIFORNIA; DAVID A. )  
VILLAREAL AND MARIA G. VILLAREAL, ) R.C.O. Nos. 457, 541 and 725  
17 OWNERS. )

18 The above-captioned matter came on regularly for hearing on June 16, 2015, before the Board  
19 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
20 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
21 described as 17379 Sanborn Street, North Palm Springs, Riverside, Assessor’s Parcel Number 666-  
22 212-012 and referred to hereinafter as “THE PROPERTY.”

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

25 Owners did not appear at the hearing.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
27 with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE  
28 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public  
nuisance.

**SUMMARY OF EVIDENCE**

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1. Documents of record in the Riverside County Recorder’s Office identify the owners of THE PROPERTY as David A. Villareal and Maria G. Villareal (“OWNERS”).

2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Mission Springs Water District and Raymond Emerson, Trustee of the Raymond Morgan Emerson Trust and Raymond Emerson (hereinafter referred to as “INTERESTED PARTIES”).

3. THE PROPERTY was inspected by Code Enforcement Officers on July 25, 2012, and on fourteen (14) other occasions, the last being June 3, 2015.

4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: lack of or improper water closet, lavatory, bathtub, shower or kitchen sink; lack of required electrical lighting; hazardous wiring; faulty weather protection; general dilapidation or improper maintenance.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: couch, refrigerator, hoses, wooden box containing miscellaneous rubbish and a mattress in excess of 150 square feet.

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

7. A Notice of Pendency of Administrative Proceedings was recorded on August 10, 2012, as Document Number 2012-0380194 in the Office of the County Recorder, County of Riverside.

8. On July 25, 2012, Notice of Violation, Notice of Defects, a “Danger Do Not Enter” sign were posted on THE PROPERTY.

9. On August 2, 2012, Notice of Violation and Notice of Defects were mailed to OWNERS by first class mail.

10. On August 27, 2014, Notice of Violation and Notice of Defects were mailed to OWNERS by certified mail, return receipt requested and were posted on THE PROPERTY on

1 August 28, 2014.

2 11. On January 30, 2015, Notice of Violation and Notice of Defects were mailed to  
3 INTERESTED PARTY, Mission Springs Water District by certified mail, return receipt requested  
4 and were posted on THE PROPERTY on February 3, 2015.

5 12. On March 3, 2015, Notice of Violation and Notice of Defects were mailed to  
6 INTERESTED PARTIES, Raymond Emerson, Trustee of the Raymond Morgan Emerson Trust and  
7 Raymond Emerson by certified mail, return receipt requested and was posted on THE PROPERTY  
8 on March 4, 2015.

9 13. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
10 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNERS and  
11 INTERESTED PARTIES by first class mail and was posted on THE PROPERTY.

12 **FINDINGS AND CONCLUSIONS**

13 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
14 regular session assembled on June 16, 2015, finds and concludes that:

15 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the  
16 real property located at 17379 Sanborn Street, North Palm Springs, Riverside County, California,  
17 also identified as Assessor's Parcel Number 666-212-012 violates Riverside County Ordinance Nos.  
18 457 and 541 and constitutes a public nuisance.

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

26 3. WHEREAS, the OWNERS, occupants and any other person having possession or  
27 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of  
28 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,

1 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

7 **ORDER TO ABATE NUISANCE**

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

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

24 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of  
25 asbestos containing materials in said structures by survey and materials sample testing by a duly  
26 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
27 the removal of all asbestos containing materials discovered through such survey and testing by  
28 contract with a duly certified and licensed contractor for the handling of such materials to avoid

1 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

2 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
3 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing  
4 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County  
5 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)  
6 days of the date of this Order to Abate Nuisance.

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

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

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1 Department will be recoverable from the OWNERS 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 \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)