

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

713 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:

August 5, 2015

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No.: CV11-07229 [AHMED]
Subject Property: 64580 16th Avenue, North Palm Springs; APN: 666-070-015
District: 5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV11-07229 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. CV11-07229; 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. CV11-07229.

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	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year: _____

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 06/16/15; 9.4

District: 5

Agenda Number:

2-38

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.: CV11-07229 [AHMED]

Subject Property: 64580 16th Avenue, North Palm Springs; APN: 666-070-015

District: 5 [\$0.00]

DATE: August 5, 2015

PAGE: 2 of 2

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 11-07229
12 [SUBSTANDARD STRUCTURE AND)
13 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
14 APN 666-070-015, 64580 16th AVENUE, NORTH) CONCLUSIONS AND ORDER TO
PALM SPRINGS, RIVERSIDE COUNTY,) ABATE NUISANCE
15 CALIFORNIA; JARED I. AHMED, OWNER.)
16) R.C.O. Nos. 457, 541 and 725

17 The above-captioned matter came on regularly for hearing on June 16, 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 64580 16th Avenue, North Palm Springs, Riverside, Assessor's Parcel Number 666-
21 070-015 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 at the hearing.

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

SUMMARY OF EVIDENCE

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

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on June 13, 2014,
7 and on six (6) other occasions, the last being June 3, 2015.

8 4. During each inspection, a substandard structure (dwelling) was observed on THE
9 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure
10 contained numerous deficiencies, including but not limited to: Members of walls, partitions, or other
11 vertical supports that split, lean, list or buckle, due to defective material or deterioration; members of
12 ceilings, roof, ceiling and roof supports or other horizontal members which sag, split, or buckle due
13 to defective material or deterioration; extensive fire damage; public and attractive nuisance –
14 abandoned/vacant.

15 5. During each inspection an accumulation of rubbish was observed throughout THE
16 PROPERTY consisting of but not limited to: tires, broken tiles, hoses, plastic buckets, a damaged
17 Jacuzzi and miscellaneous discarded items in excess of 100 square feet.

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

20 7. A Notice of Pendency of Administrative Proceedings was recorded on February 24,
21 2015, as Document Number 2015-0071348 in the Office of the County Recorder, County of
22 Riverside.

23 8. On June 13, 2014, Notice of Violation, Notice of Defects and a “Danger Do Not
24 Enter” sign were posted on THE PROPERTY.

25 9. On August 21, 2014, Notice of Violation and Notice of Defects was mailed to
26 OWNER by first class mail and certified mail, return receipt requested.

27 10. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
28 providing notice of the public hearing before the Board of Supervisors, were mailed to OWNER by

1 first class mail and was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

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

5 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the
6 real property located at 64580 16th Avenue, North Palm Springs, Riverside County, California, also
7 identified as Assessor's Parcel Number 666-070-015 violates Riverside County Ordinance Nos. 457
8 and 541 and constitutes a public nuisance.

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

16 3. WHEREAS, the OWNER, occupants and any other person having possession or
17 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
18 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
19 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

24 **ORDER TO ABATE NUISANCE**

25 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE
26 PROPERTY be abated by the OWNER, or anyone having possession or control of THE
27 PROPERTY, by razing and removing the substandard structure including the removal and disposal
28 of all structural debris and materials, as well as the contents therein, or by reconstruction and

1 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished
2 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
3 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
4 Nuisance.

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

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

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

24 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
25 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
26 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
27 accumulation of rubbish may be abated by representatives of the Riverside County Code
28 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's

1 consent or a Court Order when necessary under applicable law.

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

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)