

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

903B



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

**SUBMITTAL DATE:**  
June 9, 2016

**SUBJECT:** Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish]  
Case No. CV14-04439 [NUNEZ]  
Subject Property: 41315 Johnston Avenue, Hemet; APN: 449-280-005  
District: 3 [\$0]

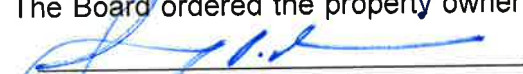
**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04439;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04439; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04439.

**BACKGROUND:**

**Summary**

On May 24, 2016, 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**

Departmental Concurrence

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

Prev. Agn. Ref.: 05/24/16; 9.3

District: 3

Agenda Number:

2-12

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Order to Abate [Substandard Structure, Excessive Outside Storage &**  
**Accumulated Rubbish];**  
Case No. CV14-04439 [NUNEZ]  
Subject Property: 41315 Johnston Avenue, Hemet, APN: 449-280-005  
District: 3 [\$0]

DATE: June 9, 2016

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

4  
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 14-04439  
12 [SUBSTANDARD STRUCTURE, EXCESSIVE )  
13 OUTSIDE STORAGE AND ACCUMULATION ) FINDINGS OF FACT,  
OF RUBBISH]; APN 449-280-005, 41315 ) CONCLUSIONS AND ORDER TO  
14 JOHNSTON AVENUE, HEMET, RIVERSIDE ) ABATE NUISANCE  
15 COUNTY, CALIFORNIA; PAUL A. NUNEZ )  
AND LAURA F. NUNEZ, OWNERS. ) R.C.O. Nos. 348, 457, 541 and 725  
16 )

17 The above-captioned matter came on regularly for hearing on May 24, 2016, 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 41315 Johnston Avenue, Hemet, Riverside County, California, Assessor's Parcel  
21 Number 449-280-005 and referred to hereinafter as "THE PROPERTY."

22 Sophia H. Choi, Deputy County Counsel, appeared along with Michelle Cervantes, Senior  
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owners did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
26 with attached Exhibits, evidencing the substandard structure, 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 owners  
3 of THE PROPERTY as Paul A. Nunez and Laura F. Nunez (“OWNERS”).

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 May 13, 2015 and  
7 on four subsequent follow up inspections, with the last being May 13, 2016.

8 4. During each inspection, a substandard structure (accessory building) was observed on  
9 THE PROPERTY. The structure was observed to be in a general state of dilapidation. The  
10 structure contained numerous deficiencies, including but not limited to: hazardous wiring; members  
11 of ceilings, roofs, ceiling and other roof supports or other horizontal members which sag, split, or  
12 buckle due to defective material or deterioration; faulty weather protection; general dilapidation or  
13 improper maintenance; and improper occupancy.

14 5. During each inspection an accumulation of rubbish and excess outside storage were  
15 also observed throughout THE PROPERTY consisting of but not limited to: furniture, signs, shelves,  
16 yard tools, wiring, bicycles, baby toys, furniture, holiday decorations, cases, lumber, boxes, buckets,  
17 cans, clothes, electronics, car seats, lattice, aquariums, exercise equipment, ladders, appliances,  
18 wheels, tires, bed box, swing set, vehicle parts, hand truck, chipper, cardboard boxes, extension  
19 cords, roofing, hoses, vacuum, tapes, green waste and miscellaneous items, of about 800 square feet.

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

22 7. A Notice of Pendency of Administrative Proceedings was recorded at the Riverside  
23 County Recorder’s Office on June 11, 2015, as instrument number 2015-0246845.

24 8. On May 15, 2015, a Notice of Violation, Notice of Defects and a “Danger - Do Not  
25 Enter” sign were posted on THE PROPERTY.

26 9. On May 13, 2015, a Notice of Violation and Notice of Defects were mailed to  
27 OWNERS by first class mail and on June 3, 2015, by certified mail, return receipt requested.

28 10. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”

1 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and  
2 was posted on THE PROPERTY.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
5 regular session assembled on May 24, 2016, finds and concludes that:

6 1. WHEREAS, the substandard structure (accessory building), excessive outside storage  
7 of materials and accumulation of rubbish on the real property located at 41315 Johnston Avenue,  
8 Hemet, Riverside County, California, also identified as Assessor's Parcel Number 449-280-005  
9 violate Riverside County Ordinance Nos. 348, 457 and 541 and constitute a public nuisance.

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

17 3. WHEREAS, the OWNERS, occupants and any other person having possession or  
18 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of  
19 materials by removing and disposing of all rubbish and excessive outside storage on THE  
20 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to  
21 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED that the substandard structure (accessory building) on THE  
28 PROPERTY be abated by the OWNERS, or anyone having possession or control of THE

1 PROPERTY, by razing and removing the substandard structure including the removal and disposal  
2 of all structural debris and materials, as well as the contents therein, or by reconstruction and  
3 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished  
4 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
5 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate  
6 Nuisance.

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

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

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

27 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
28 storage of materials are not removed and disposed of in strict accordance with all Riverside County

1 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety  
2 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive  
3 outside storage of materials may be abated and disposed of by representatives of the Riverside  
4 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
5 owner's consent or a Court Order when necessary under applicable law.

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

14 ///  
15 ///  
16 ///  
17 ///  
18 ///  
19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 Enforcement Department will be recoverable from OWNERS even if THE PROPERTY is  
2 brought into 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 \_\_\_\_\_  
John J. Benoit  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)