

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

905B



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

**SUBMITTAL DATE:**  
June 9, 2016

**SUBJECT:** Order to Abate [Substandard Structure]  
Case No. CV15-03270 [GAONA]  
Subject Property: 17313 Keith Street, North Palm Springs; APN: 666-213-018  
District: 5 [\$0]

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

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-03270;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-03270; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-03270.

**BACKGROUND:**

**Summary**

On May 17, 2016, 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 (block wall) 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**

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

Prev. Agn. Ref.: 05/17/16; 9.2      District: 5      Agenda Number:

2-14

Departmental Concurrence

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

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

Case No. CV15-03270 [GAONA]

Subject Property: 17313 Keith Street, North Palm Springs; APN: 666-213-018

District: 5

**DATE:** June 9, 2016

**PAGE:** 2 of 2

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**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

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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  
9 4080 Lemon Street, Twelfth Floor (Stop #1012)  
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**  
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 15-03270  
14 [SUBSTANDARD STRUCTURE]; )  
15 APN 666-213-018, 17313 KEITH STREET, ) FINDINGS OF FACT,  
16 NORTH PALM SPRINGS, RIVERSIDE ) CONCLUSIONS AND ORDER TO  
17 COUNTY, CALIFORNIA; VINCENT B. GAONA, ) ABATE NUISANCE  
18 OWNER. ) [R.C.O. Nos. 457 and 725]

19 The above-captioned matter came on regularly for hearing on May 17, 2016, before the Board  
20 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
21 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
22 described as 17313 Keith Street, North Palm Springs, Riverside County, California and more  
23 particularly described as Assessor's Parcel Number 666-213-018 and referred to hereinafter as "THE  
24 PROPERTY."

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

27 Owner did not appear.

28 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
with attached Exhibits, evidencing the substandard structure on THE PROPERTY as violation of  
Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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**SUMMARY OF EVIDENCE**

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1. Documents of record in the Riverside County Recorder’s Office identify the owner of THE PROPERTY as Vincent B. Gaona (“OWNER”).

2. Documents of title indicate that other parties potentially hold a legal interest in THE PROPERTY, to wit: Maximino Salatel Patino, State of California Franchise Tax Board, Chase Bank, USA, N.A., California Reconveyance Company and Deutsche Bank National Trust Company, as Trustee for J.P. Morgan Mortgage Acquisition Trust 2007-CH4 (hereinafter referred to as “INTERESTED PARTIES”).

3. THE PROPERTY was inspected by Code Enforcement Officers on August 14, 2015, and on five (5) subsequent follow up inspections, with the last being May 10, 2016.

4. During each inspection, a substandard structure (block wall) was observed on THE PROPERTY. The structure was observed to be substandard and contained numerous deficiencies, including but not limited to: members of walls, partitions, or other vertical supports that split, lean, list or buckle due to defective material or deterioration; general dilapidation and improper maintenance; public and attractive nuisance – abandoned/vacant.

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

6. A Notice of Pendency of Administrative Proceedings was recorded on December 1, 2015, as Document Number 2015-0522667 in the Office of the County Recorder, County of Riverside.

7. On August 14, 2015, a Notice of Violation, Notice of Defects and a “Danger Do Not Enter” sign were posted on THE PROPERTY. On September 24, 2015, Notice of Violation and Notice of Defects were mailed to OWNER and INTERESTED PARTIES by certified mail with return receipt requested and first class mail.

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

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
3 regular session assembled on May 17, 2016, finds and concludes that:

4 1. WHEREAS, the substandard structure (block wall) on the real property located at  
5 17313 Keith Street, North Palm Springs, Riverside County, California, also identified as Assessor's  
6 Parcel Number 666-213-018 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 structure by razing, removing and disposing of the  
9 substandard structure, including the removal and disposal of all structural debris and materials, and  
10 contents therein or by reconstruction and rehabilitation of said structure 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 PARTIES ARE FURTHER  
14 NOTICED that the time within which judicial review of the administrative determinations made  
15 herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,  
16 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure  
17 Section 1094.6.

18 **ORDER TO ABATE NUISANCE**

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

26 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and  
27 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
28 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and

1 mailing of this Order to Abate Nuisance, the substandard structure, 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 structure 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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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
John J. Benoit  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)