

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

3083



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
AUGUST 11, 2016

SUBJECT: Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulated Rubbish]
Case No. CV15-00374 [DONASTORG]
Subject Property: 50335 Aloma Drive, Cabazon; APN: 526-122-006
District: 5 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-00374;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-00374; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV15-00374.

BACKGROUND:

Summary

On June 21, 2016, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the substandard structures, 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
- 4/5 Vote
- Positions Added
- Change Order

**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. CV15-00374 [DONASTORG]

Subject Property: 50335 Aloma Drive, Cabazon, APN: 526-122-006

District: 5 [\$0]

DATE: AUGUST 11, 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:
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 15-00374
12 [SUBSTANDARD STRUCTURE, EXCESSIVE)
OUTSIDE STORAGE AND ACCUMULATION) FINDINGS OF FACT,
13 OF RUBBISH]; APN 526-122-006, 50335) CONCLUSIONS AND ORDER TO
ALOMA DRIVE, CABAZON, RIVERSIDE) ABATE NUISANCE
14 COUNTY, CALIFORNIA; GERMANIA)
DONASTORG, OWNER.) R.C.O. Nos. 348, 457, 541 and 725
15)
16)

17 The above-captioned matter came on regularly for hearing on June 21, 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 50335 Aloma Drive, Cabazon, Riverside County, California, Assessor's Parcel Number
21 526-122-006 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 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 Germania Donastorg (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Mortgage Electronic Registration Systems, Inc., (“MERS”) acting as a
6 nominee for First Magnus Financial Corporation, an Arizona Corporation, and Fannie Mae (“Federal
7 National Mortgage Association”) (hereinafter referred to as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on May 5, 2015 and
9 on six (6) subsequent follow up inspections, the last being June 13, 2016.

10 4. During each inspection, two substandard structures (dwelling and 2nd unit) were
11 observed on THE PROPERTY. The structures were observed to be in a general state of dilapidation.
12 The structures contained numerous deficiencies, including but not limited to: lack of or improper
13 water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water to
14 plumbing fixtures; hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack
15 of adequate heating facilities; members of walls, partitions or other vertical supports that split, lean,
16 list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof
17 supports or other horizontal members with sag, split, or buckle due to defective material or
18 deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or
19 improper maintenance; public and attractive nuisance- abandoned/vacant; and unpermitted
20 construction.

21 5. During each inspection an accumulation of rubbish and excess outside storage were
22 also observed throughout THE PROPERTY consisting of but not limited to: furniture, spent building
23 materials, paint cans, appliances, light fixtures, electronics, tools, vehicle parts, household items and
24 clothes, of about 1,950 square feet.

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

27 7. A Notice of Pendency of Administrative Proceedings was recorded at the Riverside
28 County Recorder’s Office on September 4, 2015, as instrument number 2015-0399068.

1 8. On May 5, 2015, a Notice of Violation, Notice of Defects and "Danger- Do Not
2 Enter" signs were posted on THE PROPERTY.

3 9. On May 21, 2015, a Notice of Violation and Notice of Defects were mailed to
4 OWNER by first class mail. On August 25, 2015, Notice of Violation and Notice of Defects were
5 mailed to OWNER and INTERESTED PARTIES MERS, First Magnus Financial Corporation and
6 Fannie Mae, by first class mail. A Notice of Violation was posted on THE PROPERTY on
7 September 2, 2015.

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

11 **FINDINGS AND CONCLUSIONS**

12 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
13 regular session assembled on June 21, 2016, finds and concludes that:

14 1. WHEREAS, the substandard structures (dwelling and 2nd unit), excessive outside
15 storage of materials and accumulation of rubbish on the real property located at 50335 Aloma Drive,
16 Cabazon, Riverside County, California, also identified as Assessor's Parcel Number 526-122-006
17 violate Riverside County Ordinance Nos. 348, 457 and 541 and constitute a public nuisance.

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

25 3. WHEREAS, the OWNER, occupants and any other person having possession or
26 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
27 materials by removing and disposing of all rubbish and excessive outside storage on THE
28 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to

1 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

7 **ORDER TO ABATE NUISANCE**

8 IT IS THEREFORE ORDERED that the substandard structures (dwelling and 2nd unit) on
9 THE PROPERTY be abated by the OWNER, or anyone having possession or control of THE
10 PROPERTY, by razing and removing the substandard structures 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 structures (dwelling and 2nd unit) are not
17 razed, removed and disposed of, or reconstructed and rehabilitated in strict accordance with all
18 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457,
19 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard
20 structures, contents therein, and structural debris and materials, may be abated and disposed of by
21 representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's
22 Department upon receipt of the owner's consent or a Court Order, where necessary, under applicable
23 law authorizing entry onto THE PROPERTY.

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

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

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

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

Dated: _____

COUNTY OF RIVERSIDE

By _____
John J. Benoit
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)