

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

403B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2011

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case Nos. : CV09-04514 [GUARACHA]
Subject Property: 5584 Mission Blvd., Riverside; APN: 181-053-006
District: Two

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-04514 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. CV 09-04514; 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. CV 09-04514.

Departmental Concurrence

(Continued)

L. Alexandra Fong
L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

| | | | | |
|-----------------------|-------------------------------|--------|-------------------------|-----|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ N/A | In Current Year Budget: | N/A |
| | Current F.Y. Net County Cost: | \$ N/A | Budget Adjustment: | N/A |
| | Annual Net County Cost: | \$ N/A | For Fiscal Year: | N/A |

| | | |
|-------------------------|----------------------------------|--------------------------|
| SOURCE OF FUNDS: | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION:

APPROVE

BY: *Jennifer L. Sargent*
Jennifer L. Sargent

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: February 8, 2011
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 1/11/11; 9.2 | District: 2 | Agenda Number:

2.10

Abatement of Public Nuisance
Case No. CV 09-04514 [GUARACHA]
5584 Mission Blvd., Riverside
District Two
Page 2

BACKGROUND:

On January 11, 2011, 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 structures (single-story wood-framed commercial building) and accumulated rubbish on the subject property to be a public nuisance. The Board ordered 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.



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

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5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE



| | |
|---|-------------------------------------|
| 11 IN RE ABATEMENT OF PUBLIC NUISANCE:) | CASE NO. CV 09-04514 |
| 12 [SUBSTANDARD STRUCTURE AND) | |
| 13 ACCUMULATION OF RUBBISH]; APN 181-053-) | FINDINGS OF FACT, |
| 14 006, 5584 MISSION BLVD., RIVERSIDE,) | CONCLUSIONS AND ORDER TO |
| 15 COUNTY OF RIVERSIDE, STATE OF) | ABATE NUISANCE |
| 16 CALIFORNIA; DAVID GUARACHA AND) | |
| 17 KEVIN BUSH, TRUSTEES OF THE 5584) | [R.C.O. Nos. 457 (RCC Title 15) and |
| MISSION BLVD TRUST, OWNER; ARTURO) | 541 (RCC Title 8)] |
| JESUS ALCARAZ, TRUSTEE OF THE) | |
| ESPERANZA AGUILAR REVOCABLE TRUST) | |
| DATED 11/5/08, ADDITIONAL OWNER.) | |

18 The above-captioned matter came on regularly for hearing on January 11, 2011, before the
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
21 property described 5584 Mission Blvd., Riverside, Assessor's Parcel Number 181-053-006 and
22 referred to hereinafter as "THE PROPERTY."

23 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
24 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 No one appeared on behalf of owner.

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 (Riverside County Code Title 15)

2011-2-105822

1 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as David Guaracha and Kevin Bush, Trustees of the 5584 Mission Blvd Trust
5 ("OWNER") and Arturo Jesus Alcaraz, Trustee of the Esperanza Aguilar Revocable Trust Dated
6 11/5/08 ("ADDITIONAL OWNER").

7 2. Documents of title indicate that no other parties potentially hold a legal interest in
8 THE PROPERTY.

9 3. THE PROPERTY was inspected by Code Enforcement Officers on June 22, 2009,
10 October 27, 2009, April 13, 2010, May 20, 2010, October 21, 2010, December 15, 2010 and January
11 7, 2011.

12 4. During each inspection, one substandard structure (single-story wood-framed
13 commercial building) was observed on THE PROPERTY. The structure was observed to be
14 abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not
15 limited to: lack of or improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and
16 cold running water to plumbing fixtures; lack of required electrical lighting; hazardous wiring;
17 defective or deteriorated flooring or floor supports; members of walls, partitions or other vertical
18 supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings,
19 roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to
20 defective material or deterioration; dampness of habitable rooms; faulty weather protection; general
21 dilapidation; and public and attractive nuisance.

22 5. During each inspection an accumulation of rubbish was observed throughout THE
23 PROPERTY consisting of but not limited to: lumber, auto parts, appliances, pipe, drums, machinery,
24 furniture, building materials, paint cans, bottles, paper shrub and tree limbs, trimmings, leaves, grass
25 clippings, trash, litter, garbage, barrels, bricks, boxes, crates, cartons, containers, cardboard,
26 packaging, discarded mattresses, vegetative waste and other materials and substances.

27 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
28 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.



1 7. A Notice of Noncompliance was recorded on November 20, 2009, as Document
2 Number 2009-0602522 in the Office of the County Recorder, County of Riverside.

3 8. On June 22, 2009, a Notice of Violations, Notice of Defects, a "Danger Do Not
4 Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On June 24, 2009, Notices of
5 Violation for the substandard structure and accumulation of rubbish were mailed to OWNER by
6 certified mail, return receipt requested. On September 3, 2009, the Notices of Violation were mailed
7 to ADDITIONAL OWNER via certified mail with return receipt requested.

8 9. On December 14, 2010, a "Notice to Correct County Ordinance Violations and Abate
9 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January
10 11, 2011, was mailed by certified mail, return receipt requested, to OWNER and ADDITIONAL
11 OWNER and was posted on THE PROPERTY on December 15, 2010.

12 **FINDINGS AND CONCLUSIONS**

13 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
14 regular session assembled on January 11, 2011, finds and concludes that:

15 1. WHEREAS, the substandard structure (single-story wood-framed commercial
16 building) and accumulation of rubbish on the real property located at 5584 Mission Blvd., Riverside,
17 Riverside County, California, also identified as Assessor's Parcel Number 181-053-006 violates
18 Riverside County Ordinance Nos. 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) and
19 constitutes a public nuisance.

20 2. WHEREAS, the OWNER, ADDITIONAL OWNER, occupants and any person
21 having possession or control of THE PROPERTY shall abate the substandard structure condition by
22 razing, removing and disposing of the substandard structure, including the removal and disposal of all
23 structural debris and materials, and contents therein or by reconstruction and rehabilitation of said
24 structures provided that said reconstruction or demolition can be accomplished in strict accordance
25 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
26 457 within ninety (90) days.

27 3. WHEREAS, the OWNER, ADDITIONAL OWNER, occupants and any other person
28 having possession or control of THE PROPERTY shall abate the accumulation of rubbish by

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3 of 7



1 removing and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside
2 County Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety
3 (90) days.

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

9 **ORDER TO ABATE NUISANCE**

10 IT IS THEREFORE ORDERED that the substandard structure (single-story wood-framed
11 commercial building) on THE PROPERTY be abated by the OWNER and ADDITIONAL OWNER,
12 David Guaracha and Kevin Bush, Trustees of the 5584 Mission Blvd Trust; and Arturo Jesus Alcaraz,
13 Trustee of the Esperanza Aguilar Revocable Trust dated 11/5/08, respectively, or anyone having
14 possession or control of THE PROPERTY, by razing and removing the substandard structure
15 including the removal and disposal of all structural debris and materials, as well as the contents
16 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
17 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
18 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
19 posting and mailing of this Order to Abate Nuisance.

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

28 FURTHERMORE, the OWNERS AND ADDITIONAL OWNER are ordered to ascertain



1 the existence or non-existence of asbestos containing materials in said structure by survey and
2 materials sample testing by a duly licensed and certified asbestos consultant; and, prior to the
3 abatement ordered hereinabove, to secure the removal of all asbestos containing materials discovered
4 through such survey and testing by contract with a duly certified and licensed contractor for the
5 handling of such materials to avoid citations and/or fines by South Coast Air Quality Management
6 District (SCAQMD).

7 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
8 abated by the OWNERS, ADDITIONAL OWNER, or anyone having possession or control of THE
9 PROPERTY, by removing and disposing of all rubbish from THE PROPERTY in strict accordance
10 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
11 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

12 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
13 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
14 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
15 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
16 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
17 owner's consent or a Court Order when necessary under applicable law.

18 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
19 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
20 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
21 County Ordinance Nos. 457 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and 725 (RCC
22 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
23 expenses reasonably related to the abatement of conditions which violate County Land Use
24 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
25 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
26 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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28 ///



1 recoverable from the OWNERS and ADDITIONAL OWNER even if THE PROPERTY is brought
2 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

4 Dated: February 8, 2011

COUNTY OF RIVERSIDE

By Bob Buster
Bob Buster
Chairman, Board of Supervisors

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

12 By Kalungitan

13 Deputy

14 (SEAL)



FORM APPROVED COUNTY COURTS
BY: L. Alex Fong DATE 2/8/11
L. ALEXANDRA FONG

24 L:\Code Enforcement\Abatements\2010\2009\CV09-04514\457 and 541 FOF.DOC



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6 of 7



**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

<http://riverside.asrclrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date:

2-8-11

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 5584 Mission Blvd., Riverside
Case No.: CV 09-04514; APN: 181-053-006; District 2

THE 5584 MISSION BLVD TRUST
DAVID GUARACHA TRUSTEE
KEVIN BUSH TRUSTEE
6550 VAN BUREN BLVD NO C
RIVERSIDE CA 92503

AGUILAR ESPERANZA TRUST
20601 THUNDERSKY CIRCLE
RIVERSIDE CA 92508

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501



CERTIFIED MAIL



7010 1670 0001 7232 1305



AGUILAR ESPERANZA TRUST
20601 THUNDERSKY CIRCLE
RIVERSIDE CA 92508

9250136443

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RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 9250136443 *2504-18957
1st Notice
2nd Notice
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English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

You entered: 70101670000172321299

Status: Delivered

Your item was delivered at 11:48 am on March 21, 2011 in RIVERSIDE, CA 92501. Additional information for this item is stored in files offline.

Additional information for this item is stored in files offline. You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed within four hours. This information will remain online for 30 days.

I would like to receive notification on this request



Find Another Item

What's your label (or receipt) number?

LEGAL

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- Terms of Use >
- FOIA >
- No FEAR Act EEO Data >

OTHER USPS SITES

- Business Customer Gateway >
- Postal Inspectors >
- Inspector General >
- Postal Explorer >

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| Certified Fee | 2.80 | | |
| Return Receipt Fee (Endorsement Required) | 2.30 | | |
| Restricted Delivery Fee (Endorsement Required) | | | |
| Total Postage & Fees | \$ 5.71 | | |

Sent THE 5584 MISSION BLVD TRUST
 Street DAVID GUARACHA TRUSTEE
 or P.O. KEVIN BUSH TRUSTEE
 City: 6550 VAN BUREN BLVD NO C
 RIVERSIDE CA 92503

PS Form 3800, August 2006 See Reverse for Instructions

PROOF OF SERVICE

Case No. CV09-04514

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3960 Orange Street, Suite 500, Riverside, California 92501-3674.

That on March 15, 2011, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES
(SEE ATTACHED NOTICE LIST)**

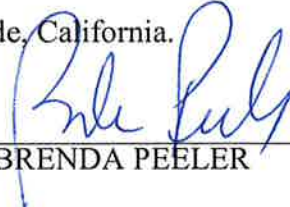
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON March 15, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

March 17, 2011

RE CASE NO: CV0904514

I, Wendell Jose, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 5317 Mission Blvd, Riverside, California 92502-1592 .

That on 03/16/2011 at 11:44 am, I securely and conspicuously posted Findings of Facts at the property described as:

Property Address: 5584 MISSION BLV, RIVERSIDE

Assessor's Parcel Number: 181-053-006

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 17, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Wendell Jose, Code Enforcement Officer III