

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



507B

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
FEB 3, 2011

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV09-03195 [CONCIALDI]
Subject Property: 29000 Sunnyslope Street, Desert Hot Springs;
APN: 750-110-037

District: Four

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-03195 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 09-03195; 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 09-03195.

Departmental Concurrence

[Signature]

(Continued)

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:

[Signature]
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 15, 2011
xc: Co.Co.(3); Recorder

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

2.18

Dept Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV09-03195 [CONCIALDI]
29000 Sunnyslope Street, Desert Hot Springs
District Four
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 structure (block wall constructed home) 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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3



4
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

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[EXEMPT'6103]

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-03195
12 [SUBSTANDARD STRUCTURE AND)
13 ACCUMULATED RUBBISH]; APN 750-110-037,) FINDINGS OF FACT,
14 29000 SUNNYSLOPE STREET, DESERT HOT) CONCLUSIONS AND ORDER TO
15 SPRINGS, COUNTY OF RIVERSIDE, STATE) ABATE NUISANCE
16 OF CALIFORNIA; JOHN JOSEPH CONCIALDI,)
17 OWNER.)
18) [R.C.O. No. 457, RCC Title 15]
19) [R.C.O. No. 541, RCC Chapter 8]

16 The above-captioned matter came on regularly for hearing on January 11, 2011, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described 29000 Sunnyslope Street, Desert Hot Springs, Assessor's Parcel Number 750-
20 110-037 and referred to hereinafter as "THE PROPERTY."

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

23 No one appeared on behalf of owner and did not address the Board of Supervisors.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structure and accumulation of rubbish on THE
26 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
27 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.
28

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of
3 THE PROPERTY as John Joseph Concialdi ("OWNER").

4 2. Documents of title indicate that no other party potentially holds a legal interest in THE
5 PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 27, 2010,
7 June 17, 2010, July 27, 2010, August 16, 2010, September 28, 2010, October 27, 2010, December
8 15, 2010 and January 10, 2011.

9 4. During each inspection, one (1) substandard structure (block wall constructed home)
10 was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and
11 vacant. The structure contained numerous deficiencies, including but not limited to: faulty weather
12 protection including broken and missing windows, holes in the walls and parts of the roof are missing;
13 general dilapidation or improper maintenance, and abandoned, vacant, public and attractive nuisance.

14 5. During each inspection an accumulation of rubbish was observed throughout THE
15 PROPERTY consisting of but not limited to: metal, plastic, wood, furniture, tires and household
16 trash.

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

19 7. A Notice of Noncompliance was recorded on January 4, 2010, as Document Number
20 2010-0000731 in the Office of the County Recorder, County of Riverside.

21 8. On April 27, 2010, a Notice of Violation, Notice of Defects, a "Danger Do Not Enter"
22 and a "Do Not Dump" signs were posted on THE PROPERTY. On April 29, 2010, Notices of
23 Violation for the substandard structure and accumulation of rubbish were mailed to OWNER by
24 certified mail, return receipt requested. On October 1, 2010, these Notices were mailed to OWNER
25 by first class mail.

26 9. On December 14, 2010, a "Notice to Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January
28 11, 2011, was mailed by certified mail, return receipt requested, to OWNER and was posted on THE

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02/23/2011 09:42A
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1 PROPERTY on December 16, 2010.

2 **FINDINGS AND CONCLUSIONS**

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

5 1. WHEREAS, the substandard structure (block wall constructed home) and
6 accumulation of rubbish on the real property located at 29000 Sunnyslope Street, Desert Hot Springs,
7 Riverside County, California, also identified as Assessor's Parcel Number 750-110-037 violates
8 Riverside County Ordinance Nos. 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) and
9 constitutes a public nuisance.

10 2. WHEREAS, the OWNER, occupants and any person having possession or control of
11 THE PROPERTY shall abate the substandard structure condition by razing, removing and disposing
12 of the substandard structure, including the removal and disposal of all structural debris and materials,
13 and contents therein or by reconstruction and rehabilitation of said structure provided that said
14 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) 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 all
18 rubbish on THE PROPOERTY in strict accordance with all Riverside County Ordinances, including
19 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 Nuisance,
23 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 (block wall constructed
26 home) on THE PROPERTY be abated by the OWNER, John Joseph Concialdi, or anyone having
27 possession or control of THE PROPERTY, by razing and removing the substandard structure
28 including the removal and disposal of all structural debris and materials, as well as the contents

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1 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
2 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
3 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
4 posting and mailing of this Order to Abate 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) days
8 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 is ordered to ascertain the existence or non-existence of
14 asbestos containing materials in said structure 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 (RCC Chapter 8.120)
23 within ninety (90) 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 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
27 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
28 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an

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02/23/2011 09:42A
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FORM APPROVED COUNTY COUNSEL
BY: Alexandra / 3/1/11 DATE
L. ALEXANDRA FONG

1 owner's 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 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and 725 (RCC
6 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
7 expenses reasonably related to the abatement of conditions which violate County Land Use
8 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
9 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
10 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
11 recoverable from the OWNER even if THE PROPERTY is brought into compliance within ninety
12 (90) days of the date of this Order to Abate Nuisance.

13

14 Dated: February 15, 2011

COUNTY OF RIVERSIDE

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By Bob Buster
Bob Buster
Chairman, Board of Supervisors

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ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Kaleungutan
Deputy
(SEAL)



L:\Code Enforcement\Abatements\2010\2009\CV09-03195\457 and 541 FOF.DOC



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

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

<http://riverside.asrcrkrec.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:

2-15-11

Signature:

Karen Barton

Print Name:

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



PROOF OF SERVICE

Case No. CV09-03195

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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)**

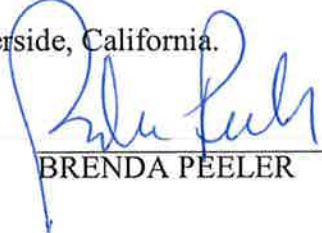
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 21, 2011

RE CASE NO: CV0903195

I, Rusty Hannah, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 31-290 Plantation Drive, Thousand Palms, California 92276 .

That on 03/21/2011 at 12:50 pm, I securely and conspicuously posted Findings of fact, conclusions and order to abate nuisance at the property described as:

Property Address: 29000 SUNNY SLOPE RD, DSRT HOT SPG

Assessor's Parcel Number: 750-110-037

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

Executed on March 21, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Rusty Hannah, Code Enforcement Officer

Concials

NOTICE LIST

Subject Property: 29000 Sunnyslope Street, Desert Hot Springs
Case No.: CV 09-03195; APN: 750-110-037; District 4

JOHN JOSEPH CONCIALDI
1525 AVIATION BLVD NO 360
REDONDO BEACH CA 90278

JOHN JOSEPH CONCIALDI
1001 EVERETT STREET
LOS ANGELES CA 90026

JOHN J CONCIALDI
1805 MARSHALLFIELD LN
REDONDO BEACH CA 90278



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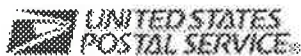
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Restricted Delivery Fee (Endorsement Required)	
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Mailed 3/15/11

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Sent	
Street or PO	JOHN JOSEPH CONCIALDI
City	1525 AVIATION BLVD NO 360 REDONDO BEACH CA 90278

PS Form 3800, August 2006 See Reverse for Instructions



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PS Form 3800, August 2006 See Reverse for Instructions

