

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

306B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 17, 2015

SUBJECT: Order to Abate [Substandard Structures, Excessive Outside Storage & Accumulated Rubbish]
Case No. CV11-03620 [SCHWARTZ]
Subject Property: 17211 Covey Street, North Palm Springs; APN: 666-201-012
District: 5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-03620;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-03620; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-03620.

BACKGROUND:

Summary

On June 2, 2015, 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

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

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: June 30, 2015
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

Prev. Agn. Ref.: 06/02/14; 9.5

District: 5

Agenda Number:

2-12

Departmental Concurrence

☐ A-30 ☐ Positions Added

☐ 4/5 Vote ☐ Change Order

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Order to Abate [Substandard Structures, Excessive Outside Storage &**

Accumulated Rubbish];

Case No. CV11-03620 [SCHWARTZ]

Subject Property: 17211 Covey Street, North Palm Springs; APN: 666-201-012

District: 5 [\$0.00]

DATE: June 17, 2015

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

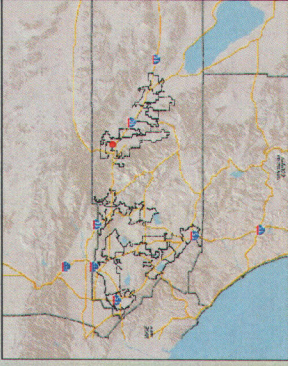
N/A

ATTACHMENTS

Findings of Fact

CV11-03620

17211 Covey Street, North Palm Springs APN: 666-201-012



Legend

- ☐ RCLIS Parcels
- ☐ TBM Page
- ☐ TBM Grid



0 77 154 Feet



REPORT PRINTED ON... 6/17/2015 7:46:54 AM

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Notes

Thomas Bros Page 726
Grid D2

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

2015-0287523

07/02/2015 11:54 AM

Customer Copy Label

The paper to which this label is affixed
has not been compared with the
filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

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 11-03620
12 [SUBSTANDARD STRUCTURES, EXCESSIVE)
13 OUTSIDE STORAGE AND ACCUMULATION) FINDINGS OF FACT,
14 OF RUBBISH]; APN 666-201-012, 17211 COVEY) CONCLUSIONS AND ORDER TO
15 STREET, NORTH PALM SPRINGS, RIVERSIDE) ABATE NUISANCE
16 COUNTY, CALIFORNIA; ANNE MARIE)
SCHWARTZ, OWNER.) R.C.O. Nos. 348, 457, 541 and 725

17 The above-captioned matter came on regularly for hearing on June 2, 2015, 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 17211 Covey Street, North Palm Springs, Riverside County, California, Assessor's
21 Parcel Number 666-201-012 and referred to hereinafter as "THE PROPERTY."

22 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior Code
23 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.

COPY

SUMMARY OF EVIDENCE

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

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Anne Marie Schwartz, as Trustee of The Anne Marie Schwartz Living
6 Trust, U/A dated August 7, 2007, The Security Trust, by Southwestern Services, Incorporated,
7 Mission Springs Water District and County Records Research, Inc., (hereinafter referred to as
8 "INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on June 25, 2014,
10 and on six (6) subsequent follow-up inspections, the last being May 26, 2015.

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

19 5. During each inspection an accumulation of rubbish and excess outside storage was
20 also observed throughout THE PROPERTY consisting of but not limited to: household items, spent
21 building materials, household furniture, appliances, mattresses, green waste and approximately 100
22 tires, in excess of 2,000 square feet.

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

25 7. A Notice of Pendency of Administrative Proceedings was recorded at the Riverside
26 County Recorder's Office on July 27, 2011, as instrument number 2011-0327644.

27 8. On June 25, 2014, a Notice of Violation, Notice of Defects and "Danger- Do Not
28 Enter" signs were posted on THE PROPERTY.

1 9. On August 21, 2014, Notice of Violation and Notice of Defects were mailed to
2 OWNER and INTERESTED PARTY, The Security Trust by Southwestern Services, Incorporated,
3 by certified mail, return receipt requested and was posted on THE PROPERTY on August 27, 2014.

4 10. On August 26, 2014, Notice of Violation and Notice of Defects were mailed to
5 OWNER by certified mail, return receipt requested.

6 11. On January 22, 2015, Notice of Violation and Notice of Defects were mailed to
7 INTERESTED PARTY, Mission Springs Water District, by certified mail, return receipt requested
8 and was posted on THE PROPERTY on January 27, 2015.

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

12 **FINDINGS AND CONCLUSIONS**

13 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
14 regular session assembled on June 2, 2015, finds and concludes that:

15 1. WHEREAS, the substandard structures (dwelling and accessory structure), excessive
16 outside storage of materials and accumulation of rubbish on the real property located at 17211 Covey
17 Street, North Palm Springs, Riverside County, California, also identified as Assessor's Parcel
18 Number 666-201-012 violates Riverside County Ordinance Nos. 348, 457 and 541 and constitutes a
19 public nuisance.

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

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

1 materials by removing and disposing of all rubbish and excessive outside storage on THE
2 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
3 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

4 4. WHEREAS, the OWNER and INTERESTED PARTIES 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 structures (dwelling and accessory
11 structure) on THE PROPERTY be abated by the OWNER, or anyone having possession or control of
12 THE PROPERTY, by razing and removing the substandard structures including the removal and
13 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction
14 and rehabilitation of said structures provided such reconstruction and rehabilitation can be
15 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
16 Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order
17 to Abate Nuisance.

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

26 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
27 asbestos containing materials in said structures by survey and materials sample testing by a duly
28 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure

1 the removal of all asbestos containing materials discovered through such survey and testing by
2 contract with a duly certified and licensed contractor for the handling of such materials to avoid
3 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

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

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

25 ///

26 ///

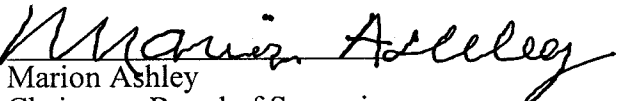
27 ///

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1 Enforcement Department will be recoverable from OWNER even if THE PROPERTY is brought
2 into compliance within ninety (90) days of the date of this Order to Abate Nuisance.
3

4 Dated: June 30, 2015

COUNTY OF RIVERSIDE

5
6 By 
7 Marion Ashley
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By 
13 Deputy

14 (SEAL)
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**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

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

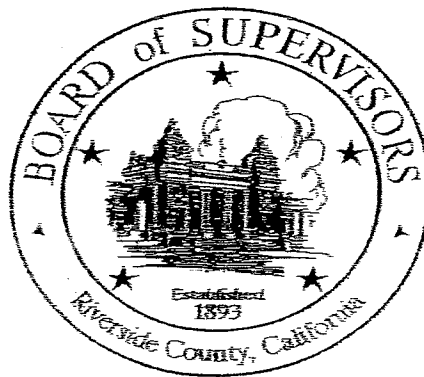
www.riversideacr.com

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:

6-30-15

Signature:

Karen Barton

Print Name:

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