

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

903B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
June 9, 2016

SUBJECT: Order to Abate [Substandard Structure, Excessive Outside Storage & Accumulated Rubbish]
Case No. CV14-04439 [NUNEZ]
Subject Property: 41315 Johnston Avenue, Hemet; APN: 449-280-005
District: 3 [\$0]

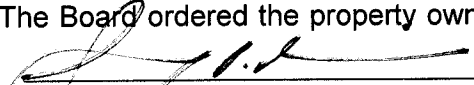
RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04439;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04439; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV14-04439.

BACKGROUND:

Summary

On May 24, 2016, 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 Jeffries, seconded by Supervisor Ashley 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 21, 2016
xc: Co.CO./TLMA-Code Enf., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 05/24/16; 9.3 | District: 3 | 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 Structure, Excessive Outside Storage &**

Accumulated Rubbish];

Case No. CV14-04439 [NUNEZ]

Subject Property: 41315 Johnston Avenue, Hemet, APN: 449-280-005

District: 3 [\$0]

DATE: June 9, 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

2016-0262694

06/27/2016 03:37 PM

Customer Copy Label

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Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

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
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 14-04439
12 [SUBSTANDARD STRUCTURE, EXCESSIVE)
13 OUTSIDE STORAGE AND ACCUMULATION) FINDINGS OF FACT,
OF RUBBISH]; APN 449-280-005, 41315) CONCLUSIONS AND ORDER TO
14 JOHNSTON AVENUE, HEMET, RIVERSIDE) ABATE NUISANCE
15 COUNTY, CALIFORNIA; PAUL A. NUNEZ)
AND LAURA F. NUNEZ, OWNERS.) R.C.O. Nos. 348, 457, 541 and 725
16)

17 The above-captioned matter came on regularly for hearing on May 24, 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 41315 Johnston Avenue, Hemet, Riverside County, California, Assessor's Parcel
21 Number 449-280-005 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 Owners did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structure, 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 owners
3 of THE PROPERTY as Paul A. Nunez and Laura F. Nunez (“OWNERS”).

4 2. Documents of title indicate that no other parties may potentially hold a legal interest
5 in THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on May 13, 2015 and
7 on four subsequent follow up inspections, with the last being May 13, 2016.

8 4. During each inspection, a substandard structure (accessory building) was observed on
9 THE PROPERTY. The structure was observed to be in a general state of dilapidation. The
10 structure contained numerous deficiencies, including but not limited to: hazardous wiring; members
11 of ceilings, roofs, ceiling and other roof supports or other horizontal members which sag, split, or
12 buckle due to defective material or deterioration; faulty weather protection; general dilapidation or
13 improper maintenance; and improper occupancy.

14 5. During each inspection an accumulation of rubbish and excess outside storage were
15 also observed throughout THE PROPERTY consisting of but not limited to: furniture, signs, shelves,
16 yard tools, wiring, bicycles, baby toys, furniture, holiday decorations, cases, lumber, boxes, buckets,
17 cans, clothes, electronics, car seats, lattice, aquariums, exercise equipment, ladders, appliances,
18 wheels, tires, bed box, swing set, vehicle parts, hand truck, chipper, cardboard boxes, extension
19 cords, roofing, hoses, vacuum, tapes, green waste and miscellaneous items, of about 800 square feet.

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

22 7. A Notice of Pendency of Administrative Proceedings was recorded at the Riverside
23 County Recorder’s Office on June 11, 2015, as instrument number 2015-0246845.

24 8. On May 15, 2015, a Notice of Violation, Notice of Defects and a “Danger - Do Not
25 Enter” sign were posted on THE PROPERTY.

26 9. On May 13, 2015, a Notice of Violation and Notice of Defects were mailed to
27 OWNERS by first class mail and on June 3, 2015, by certified mail, return receipt requested.

28 10. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”

1 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS and
2 was posted on THE PROPERTY.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on May 24, 2016, finds and concludes that:

6 1. WHEREAS, the substandard structure (accessory building), excessive outside storage
7 of materials and accumulation of rubbish on the real property located at 41315 Johnston Avenue,
8 Hemet, Riverside County, California, also identified as Assessor's Parcel Number 449-280-005
9 violate Riverside County Ordinance Nos. 348, 457 and 541 and constitute a public nuisance.

10 2. WHEREAS, the OWNERS, occupants and any person having possession or control of
11 THE PROPERTY shall abate the substandard structure (accessory building) by razing, removing and
12 disposing of the substandard structure including the removal and disposal of all structural debris and
13 materials, and contents therein or by reconstruction and rehabilitation of said structure provided that
14 said 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)
16 days.

17 3. WHEREAS, the OWNERS, occupants and any other person having possession or
18 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of
19 materials by removing and disposing of all rubbish and excessive outside storage on THE
20 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to
21 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

22 4. WHEREAS, the OWNERS are HEREBY FURTHER NOTICED that the time within
23 which judicial review of the administrative determinations made herein must be sought is ninety (90)
24 days from the posting and mailing of the Findings of Fact, Conclusions and Order to Abate
25 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED that the substandard structure (accessory building) on THE
28 PROPERTY be abated by the OWNERS, or anyone having possession or control of THE

1 PROPERTY, by razing and removing the substandard structure including the removal and disposal
2 of all structural debris and materials, as well as the contents therein, or by reconstruction and
3 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished
4 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
5 County Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
6 Nuisance.

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

15 FURTHERMORE, OWNERS are ordered to ascertain the existence or non-existence of
16 asbestos containing materials in said structures by survey and materials sample testing by a duly
17 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
18 the removal of all asbestos containing materials discovered through such survey and testing by
19 contract with a duly certified and licensed contractor for the handling of such materials to avoid
20 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

27 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside
28 storage of materials are not removed and disposed of in strict accordance with all Riverside County

1 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety
2 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive
3 outside storage of materials may be abated and disposed of by representatives of the Riverside
4 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
5 owner's consent or a Court Order when necessary under applicable law.

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

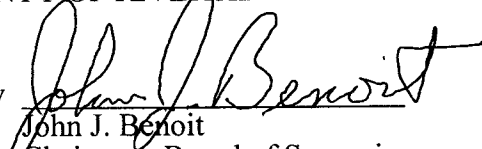
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1 Enforcement Department will be recoverable from OWNERS even if THE PROPERTY is
2 brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

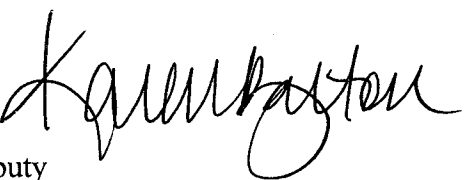
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Dated: June 21, 2016

COUNTY OF RIVERSIDE

By 
John J. Benoit
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By 
Deputy
(SEAL)



PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

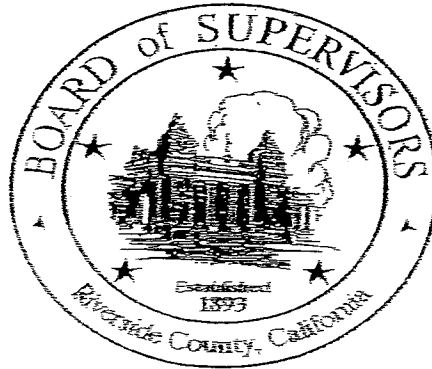
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
www.riversideacr.com

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:

6-21-16

Signature:

Karen Barton

Print Name:

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