

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

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**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
October 10, 2008

**SUBJECT:** Abatement of Public Nuisance [Appeal; Inoperative Vehicles];  
Case No.: CV 05-5404  
Subject Property: 39533 Calle Anita, Temecula  
APN: 941-190-035  
District Three

**RECOMMENDED MOTION:** Move that:

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-5404 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 05-5404 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 05-5404.

(Continued)

*Julie A.K. Jarvi*  
\_\_\_\_\_  
JULIE A.K. JARVI, Deputy County Counsel  
for JOE S. RANK, County Counsel

<b>FINANCIAL DATA</b>	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

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

**C.E.O. RECOMMENDATION:** APPROVE

BY: *Tina Grande*  
Tina Grande

**County Executive Office Signature**

Policy  
 Policy

Consent  
 Consent

Dept's Recomm.:  
Per Exec. Ofc.:

**Prev. Agn. Ref.:** 09/30/08; 9.3 | **District:** 3 | **Agenda Number:**

**2.8**

Abatement of Public Nuisance [Appeal; Inoperative Vehicles]  
39533 Calle Anita, Temecula, Riverside County  
CV 05-5404  
Page Two

**BACKGROUND:**

On September 30, 2008, this Board received the Declaration of the Code Enforcement Officer together with other documentary evidence in the above-referenced matter. At the conclusion of the hearing, the Board affirmed the decision of the Hearing Officer and declared the abandoned, wrecked, dismantled, or inoperative vehicles and vehicle parts on the subject property to be a public nuisance. The Board ordered the Appellant to abate the nuisance within ninety (90) days and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

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WHEN RECORDED PLEASE MAIL TO:  
Julie A.K. Jarvi, Deputy County Counsel  
County of Riverside  
OFFICE OF COUNTY COUNSEL  
3535 Tenth Street, Suite 300 (Stop #1350)  
Riverside, CA 92501

[EXEMPT 6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE APPEAL OF ADMINISTRATIVE HEARING DECISION RE: THE ABATEMENT OF PUBLIC NUISANCE: [INOPERABLE VEHICLES]; APN: 941-190-035, 39533 CALLE ANITA, TEMECULA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA; ELLEN S. CHRISTENSEN 1996 REVOCABLE TRUST, ELLEN S. CHRISTENSEN, TRUSTEE, OWNER AND APPELLANT; DANIEL G. MATRISCIANO, TENANT AND APPELLEANT.	)	CASE NO. CV 05-5404
	)	FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE
	)	[R.C.O. No. 520 (RCC Title 10)]

The above-captioned matter came on regularly for hearing on September 30, 2008, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the appeal of an administrative hearing officer's decision on the abatement of abandoned, wrecked, dismantled or inoperable vehicles and vehicle parts on the real property described as 39533 Calle Anita, Temecula, Assessor's Parcel Number 941-190-035 (referred hereinafter as "THE PROPERTY.")

Pamela Walls, Assistant County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Tenant and Appellant, Daniel G. Matrisciano, appeared but did not address the Board of Supervisors.

1 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
2 with attached Exhibits, evidencing the abandoned, wrecked, dismantled, or inoperable vehicles and  
3 vehicle parts on THE PROPERTY as violations of Riverside County Ordinance No. 520 as codified  
4 in Riverside County Code Chapter 10.04, and as a public nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the OWNER  
7 of THE PROPERTY as Ellen S. Christensen 1996 Revocable Trust, Ellen S. Christensen, Trustee  
8 (hereinafter referred to as "OWNER").

9 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
10 PROPERTY, to-wit: Wells Fargo Bank, N.A., Chicago Title Insurance Company, First Horizon  
11 Home Loans and Mortgage Electronic Registration Systems, Inc. (collectively referred to as  
12 "INTERESTED PARTIES").

13 3. The Code Enforcement Officers conducted an inspection of THE PROPERTY on  
14 October 17, 2007. During this inspection the Officers granted TENANT time to obtain batteries for  
15 some of the vehicles.

16 4. On January 9, 2008, the Code Enforcement Officer conducted a follow-up inspection  
17 of THE PROPERTY and inventoried twelve (12) inoperable vehicles. THE PROPERTY was  
18 determined to be in violation of Riverside County Ordinance No. 520 (RCC Title 10) by the Code  
19 Enforcement Officer.

20 5. On January 22, 2008, a Notice of Intention to Abate and Remove the Vehicles or  
21 Parts was mailed via certified mail, return receipt requested, to the OWNER and identifiable  
22 registered OWNERS of the vehicles at the addresses as listed with the Department of Motor  
23 Vehicles. This notice advised OWNERS of their right to request a hearing.

24 6. At OWNERS request, an administrative hearing was held on March 4, 2008.

25 7. On March 7, 2008, the Hearing Officer issued a Decision/Order that the vehicles and  
26 parts as set forth on the inventory, specifically Item Nos. 1, 2, 3, 5, 6, 7, 9, 10 and 11, constitute a  
27 violation of Ordinance No. 520 and a public nuisance subject to abatement and that the County shall  
28 be allowed to remove nine (9) vehicles in accordance with Riverside County Code Title 10 and

1 related statues, regulations and ordinances.

2 8. On or about March 11, 2008, TENANT and OWNER requested an appeal to the  
3 Board of Supervisors.

4 9. On or about May 29, 2008, Code Enforcement officers went to THE PROPERTY and  
5 verified that the inoperative vehicles remained on THE PROPERTY in violation. The officers  
6 inventoried seven (7) inoperative vehicles on THE PROPERTY.

7 10. On July 16, 2008, a "Notice of Hearing on the Appeal of Administrative Order to  
8 Abate Public Nuisance" providing notification of the Board hearing scheduled for September 2,  
9 2008, and which was continued to September 30, 2008, as mailed to the OWNER, TENANT,  
10 INTERESTED PARTIES and ALL REGISTERED OWNERS. On July 17, 2008, this Notice was  
11 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 September 30, 2008 finds and concludes that:

15 1. WHEREAS, the nine (9) abandoned, wrecked, dismantled or inoperative vehicles and  
16 parts thereof on the real property described as 39533 Calle Anita, Temecula, Riverside County,  
17 Assessor's Parcel Number 941-190-035 as set forth in the vehicle inventory lists attached hereto,  
18 specifically Item Nos. 1, 2, 3, 5, 6, 7, 9, 10 and 11, violate Riverside County Ordinance No. 520  
19 (RCC Title 10) and constitute a public nuisance subject to abatement by removal.

20 2. WHEREAS, all due process requirements were satisfied by the Department of Code  
21 Enforcement. The Administrative Hearing Order/Decision, exhibits and testimony have been  
22 considered.

23 3. WHEREAS, the Administrative Hearing Order/Decision is affirmed;

24 4. WHEREAS, the OWNERS or anyone having possession or control of the vehicles or  
25 vehicle parts be required to abate the public nuisance by removing all the vehicles and vehicle parts  
26 set forth in the vehicle inventory lists, making them operable or completely enclosing them within a  
27 building in a lawful manner where they are not visible from the street or other public or private  
28 property within ninety (90) days of the posting and mailing of this Board Order in accordance with

1 all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 520  
2 (RCC Title 10).

3 5. WHEREAS, if the above described nuisance is not abated within ninety (90) days of  
4 issuance of the Board Order, a designated representative of the Code Enforcement Department, a  
5 towing contractor and/or Sheriff's Department representative shall abate the nuisance by removal  
6 and destruction of all inoperative vehicles on THE PROPERTY, as identified by the vehicle  
7 inventory lists pursuant to Riverside County Code Title 10 and applicable laws.

8 6. WHEREAS, THE OWNERS, APPELLANTS AND INTERESTED PARTIES ARE  
9 HEREBY FURTHER NOTICED that the time within which judicial review of the administrative  
10 determinations made herein must be sought is ninety (90) days from the posting and mailing of the  
11 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of  
12 Civil Procedure Section 1094.6.

13 **ORDER TO ABATE NUISANCE**

14 IT IS THEREFORE ORDERED that the abandoned, wrecked, dismantled or inoperable  
15 vehicles and vehicle parts and motorcycles and parts on the real property described as 39533 Calle  
16 Anita, Temecula, Riverside County, and further identified as Assessor's Parcel Numbers 941-190-  
17 035 violates Riverside County Ordinance No. 520 and constitute a public nuisance subject to  
18 abatement by removal.

19 The Administrative Hearing Order/Decision issued on March 7, 2008, is affirmed.

20 OWNERS, or anyone having possession or control of the vehicles and vehicle parts, is  
21 required to abate the public nuisance by removing the inoperative vehicles as set forth in the vehicle  
22 inventory lists attached hereto, specifically Item Nos. 1, 2, 3, 5, 6, 7, 9, 10 and 11, making them  
23 operable or completely enclosing them within a building in a lawful manner where they are not  
24 visible from the street or other public or private property within ninety (90) days of the posting and  
25 mailing of this Order to Abate Nuisance in accordance with all Riverside County Ordinances,  
26 including but not limited to Riverside County Ordinance No. 520 (RCC Title 10).

27 If OWNERS or anyone having possession or control of the vehicles, vehicle parts,  
28 motorcycles or parts, do not properly abate the public nuisance within ninety (90) days of posting and

1 mailing of the Order to Abate Nuisance, a designated representative of the Code Enforcement  
2 Department, a towing contractor and/or Sheriff's Department representative shall abate the public  
3 nuisance by removal and destruction pursuant to Riverside County Code Title 10 and applicable  
4 laws.

5           IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
6 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
7 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
8 County Ordinance Nos. 520 (RCC Title 10) and 725 (RCC Chapter 1.16). Under Riverside County  
9 Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the  
10 abatement of conditions which violate County Land Use Ordinances, and shall include, but not be  
11 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the  
12 costs associated with the removal or correction of the violation." Reasonable abatement costs  
13 accrued by the Code Enforcement Department will be recoverable from the property owner(s) even if

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1 THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to  
2 Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Roy Wilson  
Chairman, Board of Supervisors

ATTEST:

NANCY ROMERO  
Clerk to the Board

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi 10/8/08  
JULIE A. KOONS JARVI DATE

By  
Deputy  
  
(SEAL)

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JAY E. ORR  
DIRECTOR

# CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

BRIAN BLACK  
STEVE BLOOMQUIST  
JOHN BOYD  
NEIL LINGLE  
JAMES P. KIMBROE  
DIVISION MANAGERS

## VEHICLE INVESTIGATION INVENTORY AND ABATEMENT REPORT

Officer's Name: Abustillos

I.D. # \_\_\_\_\_ Case Number: CV055404

Date of Initial Investigation: \_\_\_\_\_

Location of Vehicle(s) & Parts: 39533 Calle Anita Temecula, Ca 92592

A.P. # 941190035

Property Owner's Name: Ellen S Christensen

Supervisor Dist: 3

Property Owner's Address: 39533 Calle Anita, Temecula, Ca 92592

ITEM NO.	VEHICLE CONDITION	YEAR	MAKE STYLE/COLOR	VIN	LICENSE NO. STATE	REGISTERED OWNER AND ADDRESS	LEGAL OWNER AND ADDRESS	ABATE CODE
1.	MISSING BATTERY		VOLVO Black	YVJUA8744M3018461	3HGC322 CA	Alyssa Marie/William Lee Wichterman 41513 AVE DE LA REINA DANIEL GEORGE MATRISCIANO 39533	ORANGE CNTY TEACHERS FCU PO BOX 11547 SANTA ANA 92711	
2.	DIS-CONNECTED BATTERY		HONDA White	JHMAK7436GS037594	5LEV166 CA	DANIEL GEORGE MATRISCIANO 39533		
3.	MISSING BATTERY		PORSCHE Black	WPOAAO925HN45015	1SIH448 CA	DANIEL GEORGE MATRISCIANO		
4.	NO PROBLEMS		TOY Gray	4T1BE32K05U51860	5LWG323 CA	ELLEN CHRISTENSEN 39533 TEMECULA, CA 92592		
5.	DIS-CONNECTED BATTERY/FLAT TIRE		VOLVO Green	VC24151B1007676	2ACX347 CA	DANIEL GEORGE MATRISCIANO		
6.	MISSING BATTERY		VOLVO Green	VC24445M1437722	3DSA7676 CA	DANIEL GEORGE MATRISCIANO		
7.	NO BATTERY/REAR FLAT TIRE		VOLVO Green	544-11244V	N/A	NOT ON FILE		
8.	NO ENGINE		FORD Red	N/A	N/A	NOT ON FILE		

9.	DIS-CONNECTED BATTERY		CHEV White	1GCCS14B0F813602 0	2N45309 CA	Barbara Satinoff 36275 Glen Oaks Road Temecula, CA 92592		
10.	DIS-CONNECTED BATTERY		FORD White	1PDK E37L9HHB794 82	6R81829 CA	DANIEL GEORGE MATRISCIANO		
11.	MISSING BATTERY X 2		CHEV Gray	1FTRW07L41KD640 62	MYSTERS CA	ERIC OR KAREN LUTZ 5528 COLDBROOK AVE LAKEWOOD, CA 90713	AIRCO FCU 6265 SAN FERNANDO ROAD GLENDALE, CA 91201	
12.	UNK		BMW Black	WBAAD1310LED13 883	25WN442	ELLEN CHRISTENSEN		