

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

119B



**SUBMITTAL DATE:**  
October 27, 2008

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

**SUBJECT:** Abatement of Public Nuisance [Grading without Permits];  
Case No.: CV 07-7107  
Subject Property: 34356 Madera De Playa, Temecula;  
APN: 951-140-012  
District Three

**RECOMMENDED MOTION: Move that:**

- (1) The grading without permits on the real property located at 34356 Madera De Playa Temecula, Riverside County, California, APN: 951-140-012, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit grading o more than fifty (50) cubic yards without a grading permit.
- (2) That a five (5) year hold on the issuance of building permits and land use approvals be placed on The Property.

Departmental Concurrence

*Julie A. K. Jarvi*

JULIE A. K. JARVI, Deputy County Counsel  
for JOE S. RANK, County Counsel

(Continued)

<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  
 Consent  
  
 Policy  
 Consent  
  
 Dep't Recomm.:  
 Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 3

Agenda Number:

9.2

- (3) Mark D. Naylor, the Owner of the subject real property or whoever has possession or control of the premises, be directed to restore or remediate the unpermitted grading or obtain a grading permit within ninety (90) days.
- (4) If the owner or whoever has possession or control of the real property does not take the above described action within ninety (90) days of the date of the mailing and posting of the Board's Order to Abate, that representatives of the Code Enforcement Department are authorized to obtain the services of a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, to restore the property so as to prevent offsite drainage and slope erosion.
- (5) The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance No. 725.
- (6) That upon the restoration of the property and payment of all abatement costs assessed against the property are paid the five (5) year hold on the issuance of building permits and land use approvals will be lifted.
- (7) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the substandard structure on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

**JUSTIFICATION:**

1. An inspection was made of the subject property by the Code Enforcement Officer on August 28, 2007. The inspection revealed a variety of multiple jumps (smaller whoop dee doos to larger table tops) and berms in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Officer estimates that approximately one hundred eighty one (181) cubic yards of dirt has been graded. A search of Riverside County records indicates that no permit for grading has been applied for or obtained. This creates a public and attractive nuisance.
2. Follow-up inspections on December 19, 2007, January 9, 2008, April 18, 2008, August 13, 2008 and September 3, 2008, revealed that the property continues to be in violation of Riverside County Ordinance No. 457. The Officer measured on January 9, 2008, that at least four hundred ten (410) cubic yards of dirt had been graded.
3. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for substandard structures.