

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

778



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 22, 2008

SUBJECT: Abatement of Public Nuisances [Excess Outside Storage; Grading Without Permit]
Case Nos.: CV 06-4744; CV 07-7403; and CV 07-2261
Subject Property: 39239 Calle Bellagio, Temecula; APN: 941-120-013
District Three

Departmental Concurrence

RECOMMENDED MOTION: Move that:

1. The grading without a permit and excessive outside storage on the real property located at 39239 Calle Bellagio, Temecula, Riverside County, California, APN: 941-120-013, be declared public nuisances and in violation of Riverside County Ordinance Nos. 348 and 457 (Riverside County Code Chapters 17.16 and 15.12). Riverside County Ordinance No. 457 does not permit grading of more than fifty (50) cubic yards without a grading permit.
2. The Owner, Patrick J Jeffries, or whoever has possession or control of the subject real property be directed to abate the excess outside storage on the property by removing and/or disposing of the same from the real property within ninety (90) days.

(Continued)

Julie Jarvi

JULIE JARVI, Deputy County Counsel
for JOE S. RANK, 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: *Tina Grande*

Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.: _____ District: 3 Agenda Number: _____

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3. If the Owner, or whoever has possession or control, of the real property does not take the above-described actions within ninety (90) days of the date of the Board's Order, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the excess outside storage by removing the same from the real property.
4. That a five (5) year hold on the issuance of building permits and land use approvals be placed on The Property.
5. 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 within ninety (90) days.
6. 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.
7. 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 Riverside County Ordinance No. 725.
8. 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.
9. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials and grading without a permit on the real property be declared in violation of Riverside County Ordinance Nos. 348 and 457, public nuisances, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject property by a Code Enforcement Officer on August 21, 2006.
2. The inspection revealed excessive outside storage of materials and grading without a permit on the subject property, in violation of Riverside County Ordinance Nos. 348 and 457.

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3. Follow-up inspections of the above-described real property on September 12, 2006, November 27, 2006, January 18, 2007, April 23, 2007, July 19, 2007, July 25, 2007, August 9, 2007, August 22, 2007, September 6, 2007, October 2, 2007, October 9, 2007, October 31, 2007, and November, 27, 2007 revealed excessive outside storage on the subject real property in violation of Riverside County Ordinance No. 348. The excessive outside storage consisted of, but was not limited to: sea containers, barrels, concrete blocks, two (2) boats, pipes, a tank, metal containers, a metal bin, a water truck, a dumpster, bricks, a portable water tank, paint cans, and a stack of plastic covering. On April 23, 2007, the excess outside storage measured an estimated 2,000 square feet. The inspections on April 23, 2007, and December 4, 2007 revealed grading without a permit.
4. Subsequent re-inspections of the subject real property on December 4, 2007 February 20, 2008, April 22, 2008, June 3, 2008 and December 8, 2008 revealed that the property continues to be in violation of Riverside County Ordinance Nos. 348 and 457.
5. 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 the removal of excess outside storage and grading without a permit.