

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

858B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 24, 2009

SUBJECT: Abatement of Public Nuisance [Grading without permit/ Construction without permit]
Case No.: CV 07-7450 & CV 06-0356 (ADAMS)
Subject Property: 33171 Madera De Playa, Temecula;
APN: 951-080-032
District Three

RECOMMENDED MOTION: Move that:

Departmental Concurrence

- (1) The grading without permits on the real property located 33171 Madera De Playa, Temecula, Riverside County, California, APN: 951-080-032, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit grading of more than fifty (50) cubic yards without a grading permit.
- (2) A five (5) year hold on the issuance of building permits and land use approvals be placed on The Property.

[Signature]

JULIE AK JARVI, Deputy County Counsel
For PAMELA J. WALLS, County Counsel

(Continued)

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: *[Signature]*
Tina Grande

County Executive Office Signature

Consent Policy
 Consent Policy

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

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

- (3) Nathanael William Adams, 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.
- (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, to restore the property so as to prevent offsite drainage and slope erosion. Entry onto the property for purposes of abating the nuisance shall be either on receipt of the consent of the owner of the subject real property or by seizure warrant or other court order if necessary.
- (5) The construction without permits of a foam pit structure on the real property located 33171 Madera De Playa, Temecula, Riverside County, California, APN: 951-080-032, be declared a public nuisance and a separate violation of Riverside County Ordinance No. 457 which does not permit construction without a permit.
- (6) The owner be required either (1) to expeditiously apply for and obtain appropriate construction permits from the County of Riverside within ninety (90) days of the date of the Board's Order for the construction located on the property without a permit; or (2) to demolish and lawfully remove the unpermitted construction within ninety (90) days of the date of the Board's Order and after obtaining any and all appropriate permits and approvals from Riverside County.
- (7) If the unpermitted construction is not removed, or permitted in accordance with Riverside County Ordinance No 457 (RCC Title 15), within ninety (90) days of the of the Board's Order to Abate, the unpermitted construction and any contents therein shall be abated by representatives of Riverside County Code Enforcement Department, a contractor or the Sheriff's Department. Entry onto the property for purposes of abating the nuisance shall be either on receipt of the consent of the owner of the subject real property or by seizure warrant or other court order if necessary.
- (8) 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.
- (9) Upon the restoration of the property and payment of all abatement costs assessed against the property the five (5) year hold on the issuance of building permits and land use approvals will be lifted.
- (10) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the grading without a permit and the construction without permits on the real property are declared to be in violation of Riverside County Ordinance No. 457 and public nuisances, 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 December 19, 2007. The inspection revealed several motorcycle jumps had been graded on the property and that the jumps deviated from the natural topography in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Officer estimates that approximately two hundred sixty (260) cubic yards of dirt has been graded. The inspection also revealed that a foam pit structure had been constructed on the Property. A search of Riverside County records indicates that no permit for the grading or the construction of the foam pit structure has been obtained. This creates public and attractive nuisances.
2. Follow-up inspections on February 6, 2008, April 24, 2008, December 16, 2008, December 19, 2008, April 27, 2009, and July 18, 2009 revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
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 grading without a permit and construction without a permit.