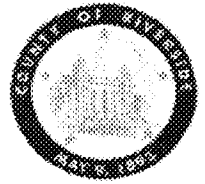


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

216B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 4, 2010

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 07-5494 (LAWS)
Subject Property: 1 Parcel South of 18813 Grand Avenue, Lake Elsinore; APN: 382-400-006
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-5494 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 07-5494; 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 07-5494.

BACKGROUND:

On February 9, 2010, this Board received the Declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the illegal grading located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

[Signature]

JULIE 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

Policy

Consent

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

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

8
9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-5494
12 [UNAPPROVED GRADING]; APN: 382-400-006,)
1 PARCEL SOUTH OF 18813 GRAND AVENUE,)
13 LAKE ELSINORE, RIVERSIDE COUNTY,) FINDINGS OF FACT,
CALIFORNIA; LAWS LUNCH AND DINNER,) CONCLUSIONS AND ORDER TO
14 INC., OWNER.) ABATE NUISANCE
15) [R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on February 9, 2010, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 1 Parcel South of 18813 Grand Avenue, Lake Elsinore, Riverside County,
20 APN: 382-400-006, and referred to hereinafter as "THE PROPERTY."

21 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
22 Enforcement Officer and Brett Farlow, Code Enforcement Officer, on behalf of the Director of the
23 Code Enforcement Department.

24 Owner appeared with attorney Fred Knez and engineer Edward Bonadiman, who addressed
25 the Board of Supervisors on owner's behalf.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with the attached Exhibits, evidencing the unapproved grading and clearing on THE PROPERTY as a
28 public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County

1 Code Title 15. The Board of Supervisors also received the Exhibits of Property Owner, Laws Lunch
2 & Dinner, Inc, for Hearing on February 9, 2010 in Case No: CV07-5494.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the Owner
5 of THE PROPERTY as Laws Lunch and Dinner, Inc. ("OWNER").

6 2. Documents of title indicate that other parties may potentially hold a legal interest in
7 THE PROPERTY, to wit: Mark S. Hoenig and May Ann Hoenig, Virginia Lawrence, SBS Trust
8 Deed Network, Escrow Chalet, Inc., and San Diego Wholesale Credit Association ("INTERESTED
9 PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on July 3, 2007,
11 January 4, 2008, August 26, 2008, January 16, 2009, November 13, 2009 and February 5, 2010.

12 4. During each inspection, grading was observed on THE PROPERTY without permits
13 and which deviated from the natural topography.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
15 No. 457 (RCC Title 15) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded on August 16, 2007, as Document Number
17 2007-0528077 in the Office of the County Recorder, County of Riverside.

18 7. On July 3, 2007, a Notice of Violation for Unapproved Grading was posted on THE
19 PROPERTY. On August 3, 2007, a Notice of Violation was mailed by certified mail, return receipt
20 requested to OWNER and INTERESTED PARTIES.

21 8. On November 5, 2009, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
23 to OWNER AND INTERESTED PARTIES and on November 13, 2009, was posted on THE
24 PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on February 9, 2010, finds and concludes that:

28 1. WHEREAS, the unapproved grading and clearing on the real property located at 1

1 Parcel South of 18813 Grand Avenue, Lake Elsinore, Riverside County, California, also identified as
2 Assessor's Parcel Number 382-400-006 violates Riverside County Ordinance No. 457 and constitutes
3 a public nuisance and attractive nuisance.

4 2. WHEREAS, THE OWNER, occupants and any person having possession or control
5 of THE PROPERTY should abate the condition by restoring THE PROPERTY to the satisfaction of
6 the Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict
7 accordance with all Riverside County Ordinances, including but not limited to Riverside County
8 Ordinance No. 457, within ninety (90) days.

9 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that a five (5) year
10 hold on the issuance of building permits and land use approvals may be placed on THE PROPERTY.
11 Upon restoration of the property and payment of the lien the five (5) year hold on the building permit
12 issuance and land use approvals will be released.

13 4. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within
14 which judicial review of the administrative determinations made herein must be sought is ninety (90)
15 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,
16 and is governed by California Code of Civil Procedure Section 1094.6.

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the unapproved grading and clearing on THE
19 PROPERTY located at 1 Parcel South of 18813 Grand Avenue, Lake Elsinore, Riverside County,
20 California, also identified as Assessor's Parcel Number 382-400-006 be abated by the OWNER, and
21 anyone having possession or control of THE PROPERTY, by restoring THE PROPERTY to the
22 satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope
23 erosion in strict accordance with all Riverside County Ordinances, including but not limited to
24 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order
25 to Abate Nuisance.

26 IT IS FURTHER ORDERED that if the unapproved grading and clearing on THE
27 PROPERTY is not restored to the satisfaction of the Department of Building and Safety so as to
28 prevent offsite drainage and slope erosion in strict accordance with all Riverside County Ordinances,

1 including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the
2 posting and mailing of this Order to Abate Nuisance, the unapproved grading and clearing shall be
3 abated by representatives of the Riverside County Code Enforcement Department, a contractor, or
4 the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary,
5 under applicable law authorizing entry onto THE PROPERTY.

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. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
10 means "any costs or expenses reasonably related to the abatement of conditions which violate County
11 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
12 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the
13 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
14 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
15 ninety (90) days of the date of this Order to Abate Nuisance.

FORM APPROVED COUNTY COUNSEL
BY: Julia A. Moons Jarvi
DATE: 2/17/10

16 Dated: _____

COUNTY OF RIVERSIDE

17
18 By _____
19 Marion Ashley
20 Chairman, Board of Supervisors

21 ATTEST:
22 KECIA HARPER-IHEM
23 Clerk to the Board

24 By _____
25 Deputy
26 (SEAL)
27
28