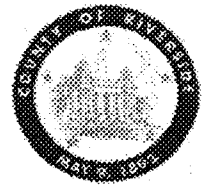


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

506B



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

**SUBMITTAL DATE:**  
December 7, 2009

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No.: CV 07-2477 (YAMAMOTO)  
Subject Property: 1 Parcel Northeast of 28131 Leona Drive, Lake Elsinore  
APN 347-050-081 (347-050-068) District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-2477 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 07-2477; 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 07-2477.

Departmental Concurrence

**BACKGROUND:**

On December 1, 2009, 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.

\_\_\_\_\_  
JULIE JARVI, Deputy County Counsel  
for PAMELA J. WALLS, 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>	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

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Tavaglione, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: January 5, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
  
Deputy

Prev. Agn. Ref.: 12/01/09; 9.5 | District: 5 | Agenda Number:

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

2.8

Policy  Policy

Consent  Consent

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

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

DOC # 2010-0004269  
01/06/2010

Customer Copy Label

The paper to which this label is  
affixed has not been compared  
with the recorded document

Larry W Ward  
County of Riverside  
Assessor, County Clerk & Recorder

5 WHEN RECORDED PLEASE MAIL TO:  
6 Julie Jarvi, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Fifth Floor (Stop #1350)  
10 Riverside, CA 92501

[EXEMPT '6103]

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**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 07-2477  
[UNAPPROVED GRADING]; APN: 347-050-081 )  
(347-050-068), ONE PARCEL NORTHEAST OF ) FINDINGS OF FACT,  
28131 LEONA DRIVE, LAKE ELSINORE, ) CONCLUSIONS AND ORDER TO  
RIVERSIDE COUNTY, CALIFORNIA; MAYJUE ) ABATE NUISANCE  
A. YAMAMOTO, OWNER. )  
[R.C.O. Nos. 457 (RCC Title 15) and  
725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 1, 2009, 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 real property described as One Parcel Northeast of 28131 Leona Drive, Lake Elsinore, Riverside County, APN: 347-050-081 (347-050-068), and referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the unapproved grading on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code Title 15.

///

COPY

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owner  
3 of THE PROPERTY as Mayjue A. Yamamoto ("OWNER").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE  
5 PROPERTY, to wit: Paul Galuppo (INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 26, 2007,  
7 April 6, 2007, May 31, 2007, August 24, 2007, November 28, 2007, May 12, 2008, August 7, 2008,  
8 August 22, 2008, July 16, 2009, September 24, 2009, and November 25, 2009.

9 4. During each inspection, two graded areas consisting of cut dirt and fill dirt was  
10 observed on THE PROPERTY without permits.

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

13 6. A Notice of Noncompliance was recorded on May 1 2007, as Document Number  
14 2007-0292878 in the Office of the County Recorder, County of Riverside.

15 7. On April 6, 2007, Notice of Violation for Unapproved Grading was posted on THE  
16 PROPERTY and on April 10, 2007, was mailed by certified mail, return receipt requested to the prior  
17 owner and OWNER. On June 13, 2008 and September 5, 2008, a Notice of Violation and Illegal  
18 Grading letter was mailed by certified mail, return receipt requested to INTERESTED PARTY. On  
19 May 19, 2009, Notices of Violation and Illegal Grading letter were mailed to OWNER and  
20 INTERESTED PARTY by certified mail, return receipt requested.

21 8. On September 23, 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 by certified mail, return receipt requested to OWNER and INTERESTED PARTY and was posted on  
24 THE PROPERTY on September 24, 2009.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
27 regular session assembled on December 1, 2009 finds and concludes that:

28 1. WHEREAS, the unapproved grading on the real property located at One Parcel

1 Northeast of 28131 Leona Drive, Lake Elsinore, Riverside County, California, also identified as  
2 Assessor's Parcel Number 347-050-081 (347-050-068) violates Riverside County Ordinance No. 457  
3 and constitutes 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 on THE PROPERTY located  
19 One Parcel Northeast of 28131 Leona Drive, Lake Elsinore, Riverside County, California, also  
20 identified as Assessor's Parcel Number 347-050-081 (347-050-068) 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 unapproved grading on THE PROPERTY is not restored  
27 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and  
28 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to

1 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order  
2 to Abate Nuisance, the unapproved grading shall be abated by representatives of the Riverside County  
3 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's  
4 consent or a Court Order, where necessary, under, applicable law authorizing entry onto THE  
5 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.

16 Dated: January 5, 2010

COUNTY OF RIVERSIDE

17  
18 BY Marion Ashley  
19 MARION ASHLEY, Chairman  
Board of Supervisors

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

23  
24 By James Ahlmann

25 Deputy  
26 (SEAL)  
27  
28

FORM APPROVED COUNTY COUNSEL  
BY Julie A. Koons Jarvi  
DATE 12/16/09



LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

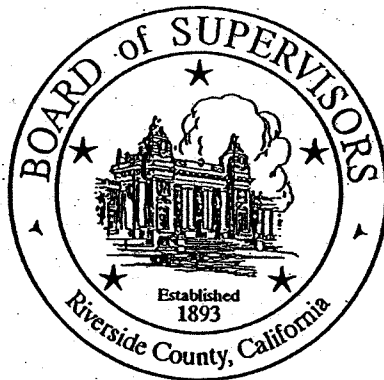
<http://riverside.asrclrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

1-5-10

Signature:

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board

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



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

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[EXEMPT '6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 07-2477  
 [UNAPPROVED GRADING]; APN: 347-050-081 )  
 (347-050-068), ONE PARCEL NORTHEAST OF ) FINDINGS OF FACT,  
 28131 LEONA DRIVE, LAKE ELSINORE, ) CONCLUSIONS AND ORDER TO  
 RIVERSIDE COUNTY, CALIFORNIA; MAYJUE ) ABATE NUISANCE  
 A. YAMAMOTO, OWNER. )  
 ) [R.C.O. Nos. 457 (RCC Title 15) and  
 ) 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 1, 2009, 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 real property described as One Parcel Northeast of 28131 Leona Drive, Lake Elsinore, Riverside County, APN: 347-050-081 (347-050-068), and referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the unapproved grading on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code Title 15.

///

2010-03-099304

1 **SUMMARY OF EVIDENCE**

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28 1. WHEREAS, the unapproved grading on the real property located at One Parcel

2010-0004269  
01/06/2010 09:09A  
2 of 5





1 Northeast of 28131 Leona Drive, Lake Elsinore, Riverside County, California, also identified as  
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17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located  
19 One Parcel Northeast of 28131 Leona Drive, Lake Elsinore, Riverside County, California, also  
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28 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to

2010-0004269  
01/06/2010 09:00H  
3 of 5



FORM APPROVED COUNTY COUNSEL  
BY Janie A. Koons Jarvi DATE 12/16/09

1 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order  
2 to Abate Nuisance, the unapproved grading shall be abated by representatives of the Riverside County  
3 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's  
4 consent or a Court Order, where necessary, under, applicable law authorizing entry onto THE  
5 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  
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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.

16 Dated: January 5, 2010

COUNTY OF RIVERSIDE

17  
18 BY Marion Ashley  
MARION ASHLEY, Chairman  
Board of Supervisors

19 ATTEST:  
20  
21 KECIA HARPER-IHEM  
22 Clerk to the Board

23  
24 By Janie A. Koons Jarvi  
25 Deputy  
26 (SEAL)





LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

<http://riverside.asrclrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



2010-0004269  
01/06/2010 08:00A  
5 of 5



Date: 1-5-10

Signature: *Sandi Schlemmer*

Print Name: Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board

# NOTICE LIST

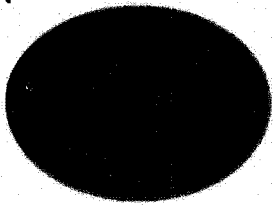
Subject Property: 1 Parcel Northeast of 28131 Leona Dr., Lake Elsinore  
Case No.: CV 07-2477; APN: 347-050-081 (347-050-068); District 5

MAYJUE YAMAMOTO  
387 GLENBROOKE RD. #10210  
WATERFORD, MI 48327

MAYJUE YAMAMOTO  
21140 KIMES LN.  
PERRIS, CA 92570

PAUL GALUPPO  
308 N. ELM DR.  
BEVERLY HILLS, CA 90210

IDEL: COMPLETE	DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>X </p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center; font-weight: bold; margin-top: 20px;">MAYJUE A. YAMAMOTO 387 GLENBROOKE RD. #10210 WATERFORD, MI 48327 CV07-2477 *FOF* YAMAMOTO 3</p>	<div style="text-align: center; border: 2px solid black; border-radius: 50%; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> </div> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center; font-size: 1.2em; font-weight: bold;">7009 1680 0000 9025 2645</p>
<p>PS Form 3811, February 2004 <span style="float: right;">Domestic Return Receipt <span style="margin-left: 100px;">102595-02-M-1540</span></span></p>	



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

February 4, 2010

RE CASE NO: CV072477

I, Jacob Dietrich, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 02/04/10 at 1100 hours, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance [R.C.O. Nos. 457 (RCC Title 15) and 725 (RCC Title 1)] at the property described as:

**Property Address:** 1 PARCEL NORTH of (28131 Leona Drive, ), Lake Elsinore

**Assessor's Parcel Number:** 347-050-081

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on February 4, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Jacob Dietrich, Code Enforcement Officer II

**PROOF OF SERVICE**

Case Nos. CV07-2477

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on February 1, 2010, I served the following document(s):

**FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

**OWNERS OR INTERESTED PARTIES  
(see attached notice list)**

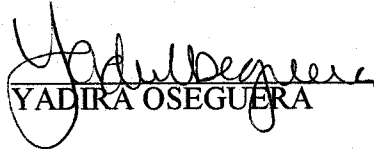
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON February 1, 2010, at Riverside, California.

  
YADIRA OSEGUERA

**ATTACHMENTS FILED**  
**WITH**  
**THE CLERK OF THE BOARD**