

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Environmental Resources *SLA*

BOARD AGENDA # \*B-1(a)

Urgent  Routine

AGENDA DATE August 19, 2008

CEO Concurs with Recommendation YES  NO   
*opt*  
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding CE No. 08-0012 at 109 Lita Court, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 109 Lita Court, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-587

On motion of Supervisor DeMartini, Seconded by Supervisor Grover

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DISCUSSION:**

This agenda item is important because it promotes a safe community, a healthy community, and the efficient delivery of public services, serves the public's interest, and fosters pride in our local community. The decision to be made by the Board of Supervisors is to adopt, modify, or reject the July 24, 2008 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 109 Lita Court, Modesto, California. The property is zoned R-3 (multiple family residential district).

The property contains debris, refuse, rubbish, and an unsecured vacant structure. Additionally, the property owner failed to remove all refuse from the property on a weekly basis.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Onecino V. Lombera and Jose Manuel Viveros, owner(s) of the property, will have to abate the nuisance within two weeks after the Board of Supervisors' decision by complying with the following actions:

1. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
- \*2. Removing all refuse from the property on a weekly basis as long as the property is occupied. All refuse must be removed from the premises at least once each week.
3. Obtaining a building permit from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor, Modesto (525-6557) and conforming to the regulations as set forth in §2.93.050 to secure the structure against unauthorized entry. Fencing is required.

NOTE: If the owner, per §2.93.090, fails to correct the violation within the time specified in the Notice and Order to Abate, enforcement action may be taken per §2.92.070. If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the nuisance.

- \* Item two was voluntarily abated prior to the Nuisance Abatement Hearing Board and is currently in compliance. We are requesting the Board of Supervisors make a determination in reference to items one and three.

Should the owner(s) fail to comply within that two-week period, the County would proceed with the abatement process through a forced clean-up action, whereby the property will be cleared of all contributing factors to the public nuisance. The cost of the abatement will be charged to the owner(s). If the responsible person(s) fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

If the Board adopts the Nuisance Abatement Hearing Board's decision, this public nuisance can be abated in a timely and efficient manner thus providing for a safe and healthy community, allowing the public to take greater pride in the areas they live in and frequent.

**POLICY ISSUE:**

The Board should decide if it should accept, modify, or reject the written decision as presented in the Decision of Abatement Hearing No. CE08-0012 (Attachment 1). Acceptance of staff's recommendation would be consistent with the Board's priorities of a safe community, a healthy community, and the efficient delivery of public services.

**STAFFING IMPACT:**

There is no staffing impact associated with this request.



## **NUISANCE ABATEMENT HEARING BOARD**

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### **DECISION**

**IN RE: 109 Lita Ct. Modesto, CA  
Abatement Hearing No. CE 08-0012**

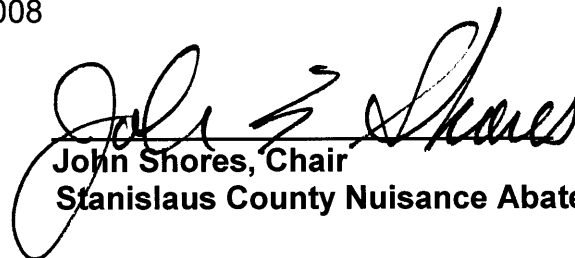
The Nuisance Abatement Hearing Board heard the above-referenced matter on, July 24, 2008. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 109 Lita Ct. Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 038-032-018, is zoned R-3, multiple-family residential district.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes occurring on the property, as noted in "Attachment A."
3. All owners of record, tenants and others holding interest of record in the Property as identified in the title report. The title report lists Onecino V. Lombera and Jose Manuel Viveros as the owner(s) of record.
4. All interested parties were served a Notice and Order to Abate pursuant to Stanislaus County Code Section 2.92.030, describing the conditions or use of the property that constitutes the violations and ordering abatement of those conditions.
5. County staff has attempted to obtain voluntary compliance by the interested parties, and the interested parties have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by Notice.
6. The owners have the legal responsibility for maintenance of the property in conformance with the applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the County.
7. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
8. Based on the evidence and testimony presented at the hearing, which is incorporated herein by reference, there is substantial evidence that violations of the Stanislaus County Code, as set forth in the staff report for the matter, still exists on the property.
9. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the costs of the abatement to the County if the Owners or other interested parties do not abate the nuisance within the specified time period.
3. Authorize County staff, pursuant to Stanislaus County Code Section 2.92.070, to dispose of any material, equipment, vehicles or other personal property removed from the property to abate a nuisance in any manner authorized by law, and to charge the costs of disposal to the owners and/or interested parties as part of the cost of abatement.
4. Authorize County staff to charge the owners and/or interested parties for County staff time incurred to investigate through the Abatement Hearing.
5. Order a Notice of Abatement Lien be recorded against the property if the owners and/or interested parties fail to pay the costs demanded by the County.

Dated: July 24, 2008



**John Shores, Chair**  
**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on AUG 19 2008 the Board of Supervisors will hear this matter as a consent item.

**Attachment "A"**

RE: File Number CE 08-0012  
Assessor's Parcel Number: 038-032-018  
Address: 109 LITA CT, MODESTO, CA

Inspection of the above reference property revealed the following violations of Stanislaus County Code §2.92.010:

<b>Code Section Violation:</b>	<b>Corrective Action:</b>	<b>Compliance Date:</b>
§9.04.020 of the Stanislaus County Code. Unlawful accumulation of debris, refuse, and rubbish.	Collecting and disposing of all debris, refuse, and rubbish to an approved location.	02/23/2008
§9.04.040 of the Stanislaus County Code. Failure to remove all refuse from the premises on a weekly basis (non-mandatory service area).	Removing all refuse from the property on a weekly basis as long as the property is occupied. All refuse must be removed from the premises at least once each week.	01/23/2008

Enclosures: Stanislaus County Code

**Attachment "A"**

RE: File Number CE 08-0012  
Assessor's Parcel Number: 038-032-018  
Address: 109 LITA CT, MODESTO, CA

Inspection of the above reference property revealed the following violations of Stanislaus County Code §2.92.010:

<b>Code Section Violation:</b>	<b>Corrective Action:</b>	<b>Compliance Date:</b>
§2.93.030 and §2.93.040 of the Stanislaus County Code. Unlawful vacant structure.	Obtaining a building permit from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557) and conforming to the regulations as set forth in §2.93.050 (attached) to secure the structure against unauthorized entry. Fencing is required. <b>NOTE: If the owner, per §2.93.090, fails to correct the violation within the time specified in the Notice and Order to Abate enforcement action may be taken per §2.92.070. If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the nuisance.</b>	04/09/2008

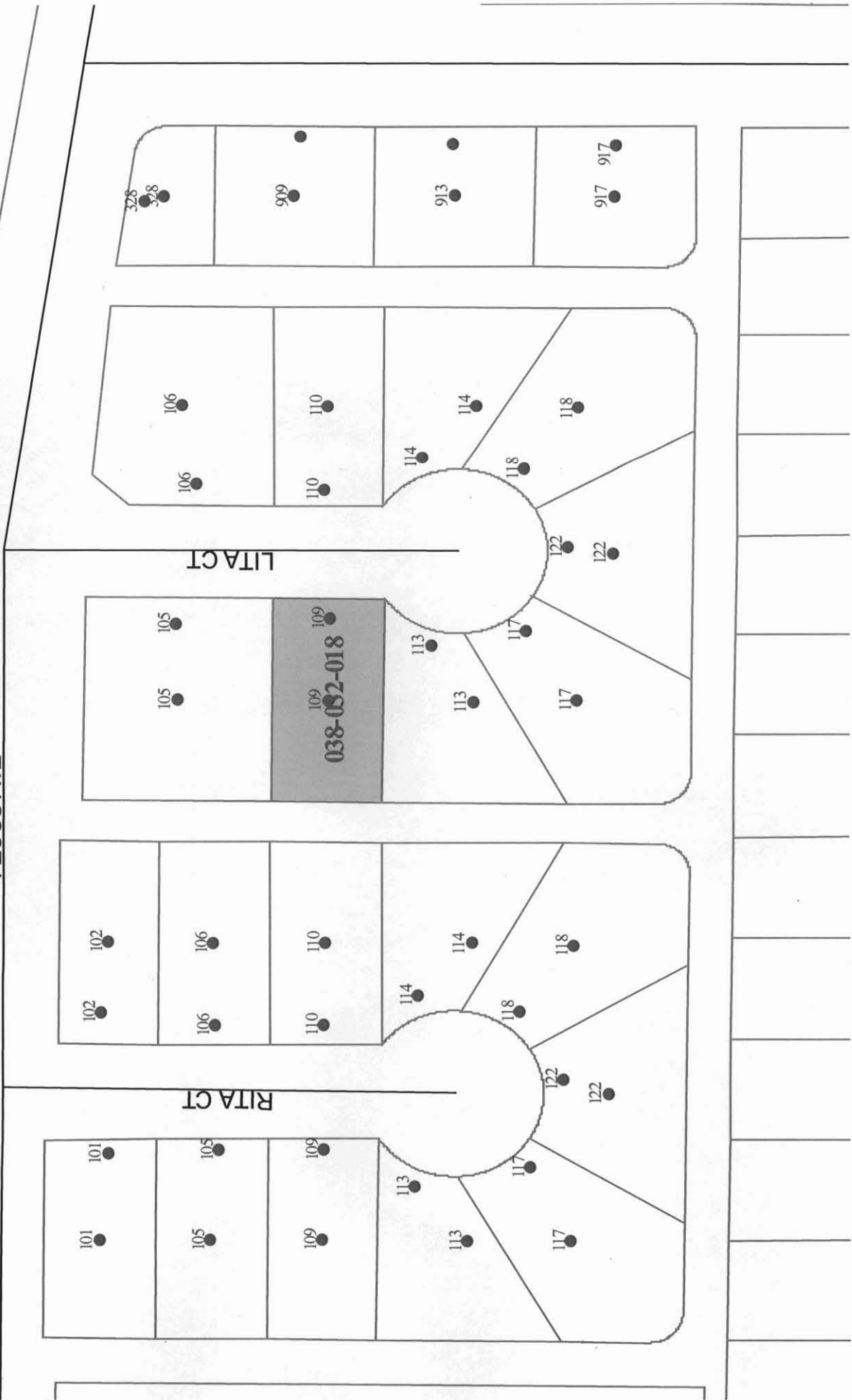
Enclosures: Stanislaus County Code

CE 08-0012

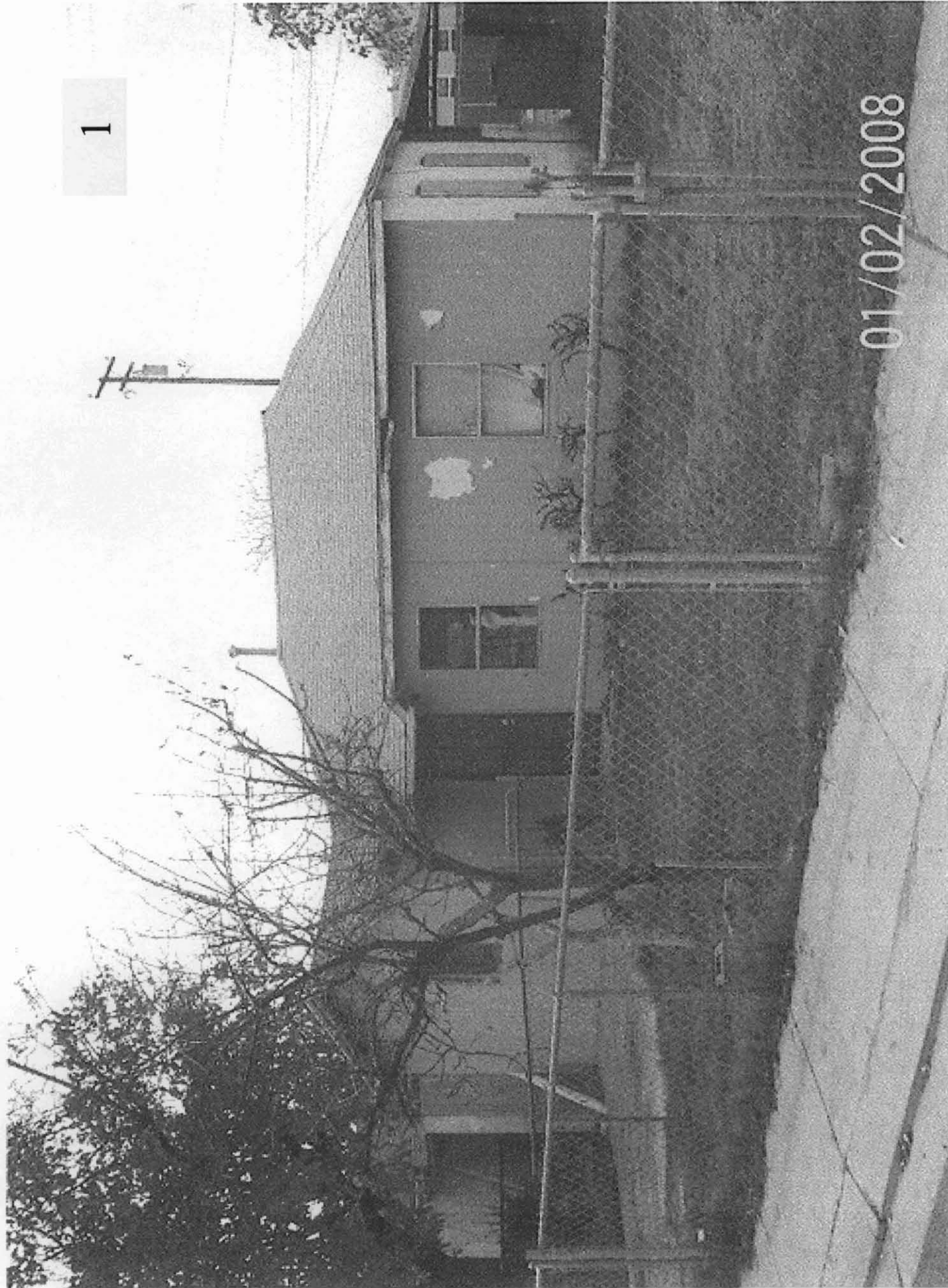
109 LITA COURT  
Modesto, CA



PECOS AVE



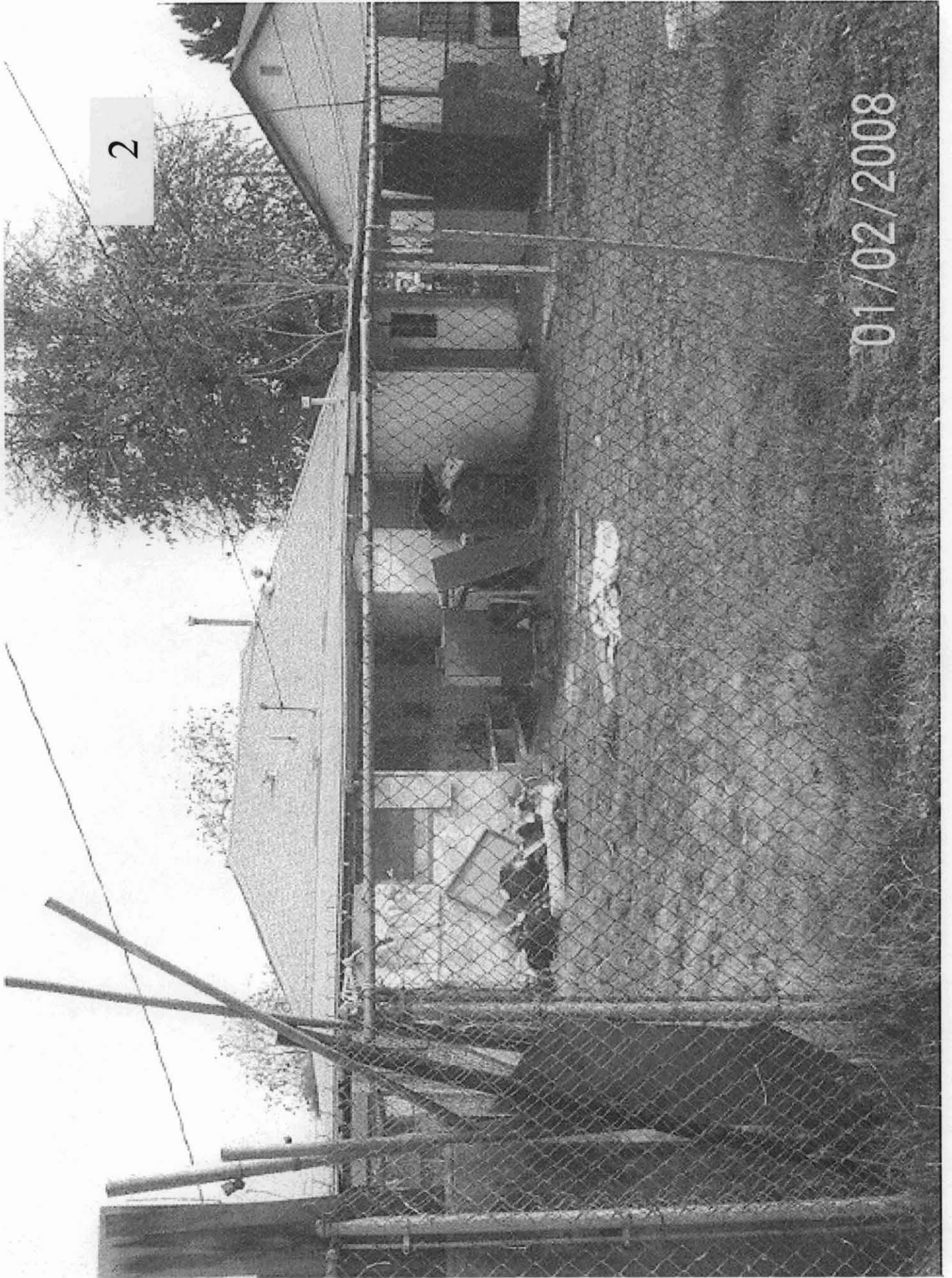
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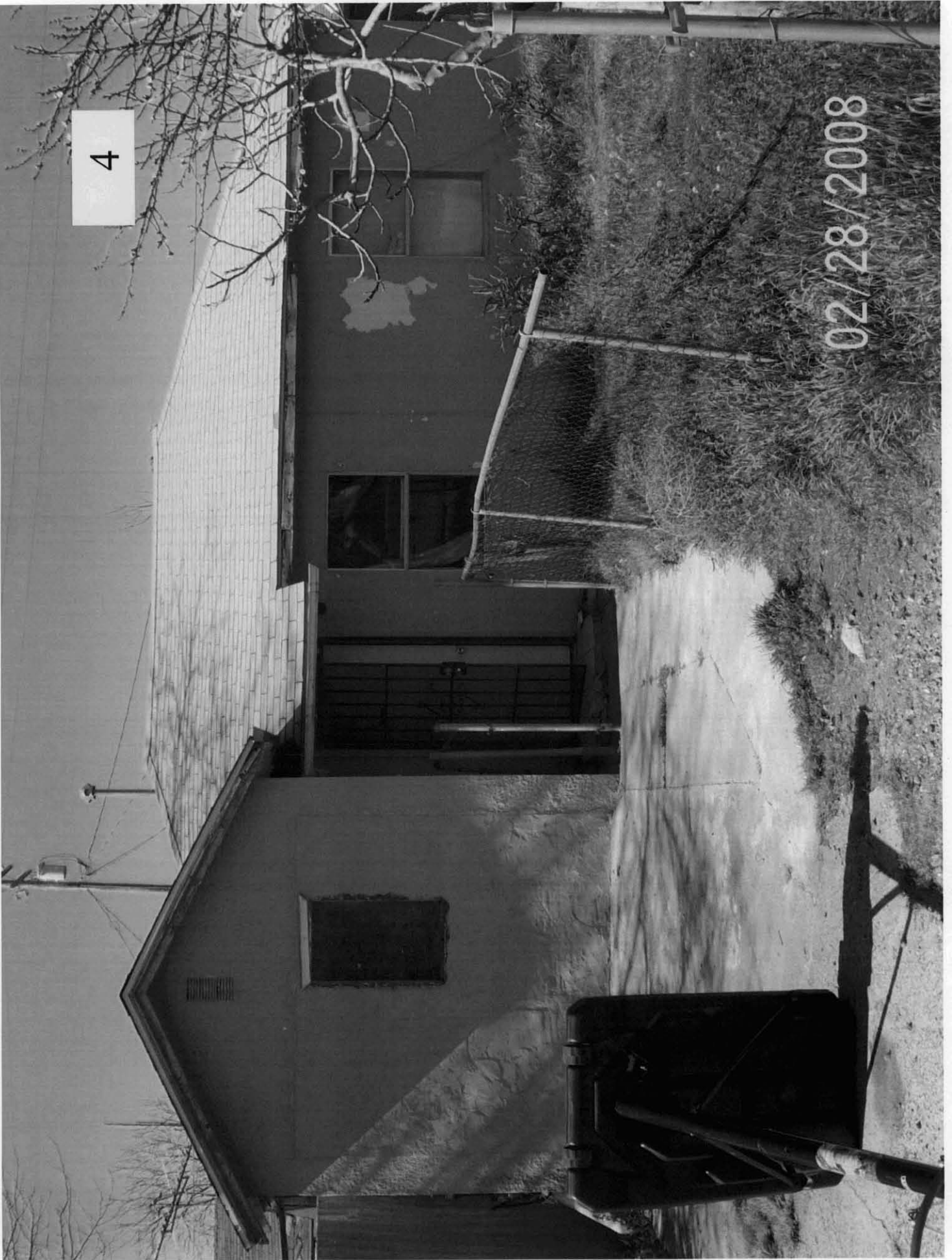
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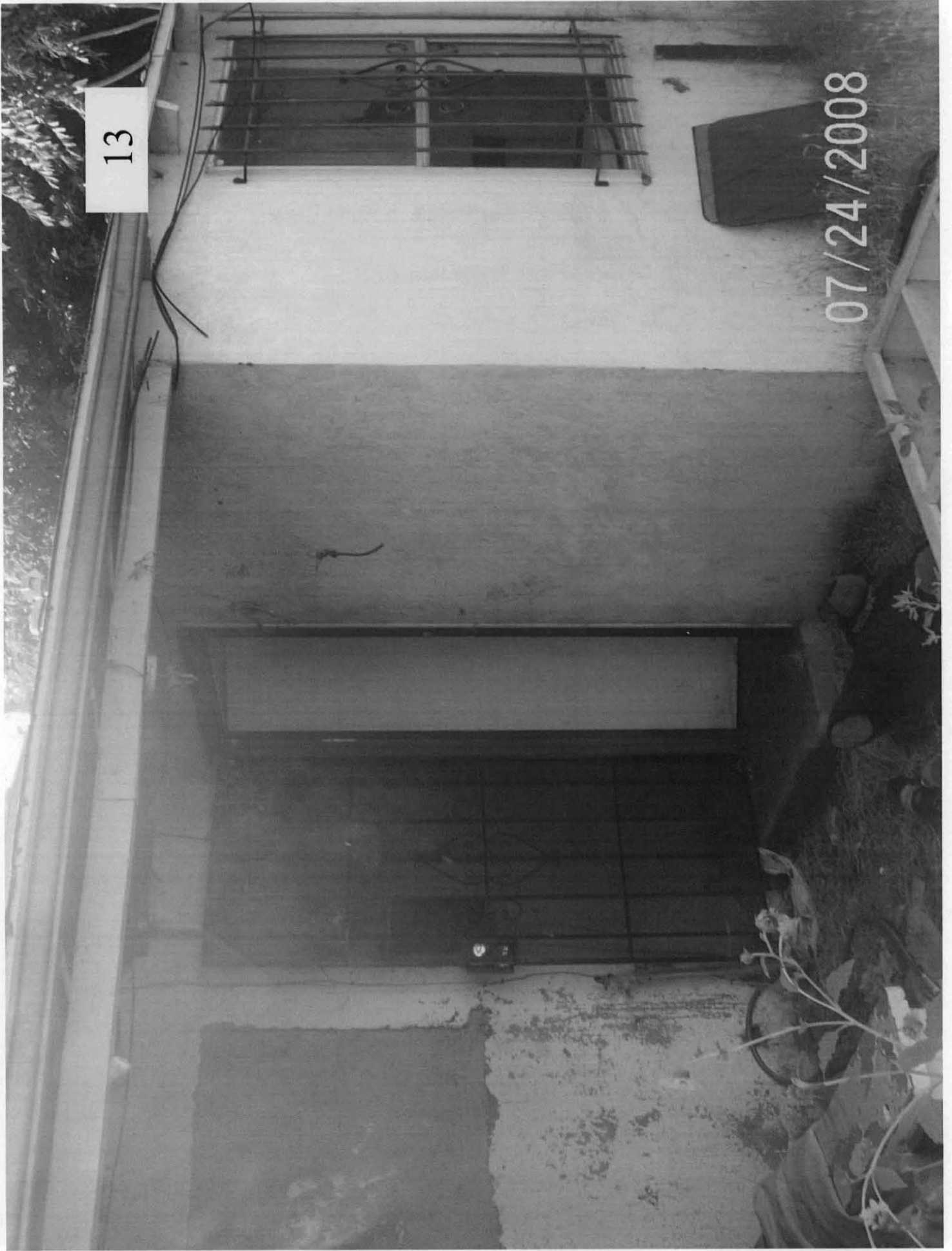
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