

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

DEPT: Environmental Resources *SLA*

BOARD AGENDA # *B-4

Urgent Routine

AGENDA DATE June 9, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding CE No. 09-0054 at 1725 John Street, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1725 John Street, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-384

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien
and approved by the following vote,
Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini
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:

ATTEST:

Christine Ferraro
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 May 28, 2009 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 1725 John Street, Modesto, California, which is zoned R-2 (medium density residential district) and contains a junkyard, debris, refuse, rubbish and an unlawful vacant structure.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Delbert R. and Edith L. Price, 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. Removing junk in excess of 200 square feet from the premises.
2. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
3. 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 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.

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. CE09-0054 (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

DECISION

**IN RE: 1725 John St., Modesto, CA.
Abatement Hearing No. CE 09-0054**

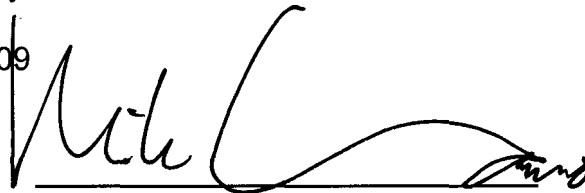
The Nuisance Abatement Hearing Board heard the above-referenced matter on, May 28, 2009. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 1725 John St., Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 037-024-027, is zoned R-2, medium density 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 Delbert R. & Edith L. Price 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: May 28, 2009

A handwritten signature in black ink, appearing to read "Mike Navarro", written over a horizontal line.

Mike Navarro, Chair
Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on JUN 09 2009 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number CE 09-0054

Assessor's Parcel Number: 037-024-027

Address: 1725 JOHN ST, MODESTO, CA

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

Code Section Violation:	Corrective Action:	Compliance Date:
§21.32.020 and §21.16.040 of the Stanislaus County Code. Unlawful junkyard/accumulation of junk on the premises.	Removing junk in excess of 200 square feet from the premises.	03/12/09
§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.	03/12/09
§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. 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. 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.	02/11/2009

Enclosures: Stanislaus County Code

1725 John St. Modesto

CE09-0054

1809

1339

1801

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1733

1729

1725

1721

1717

1713

1707

1705

1701

DONALD ST

1810

1804

1405

1407

1809

1805

1801

HAMMOND ST

1736

1732

1728

1724

1720

1716

1712

1708

1704

HAYS ST

1737

037-024-027

1725

1721

1717

1713

1709

1703

1701

JOHN ST

1



01.08.2009 13:54

2



01.08.2009 13:54



3

1
7
2
5

WARNING
NO SMOKING
SMOKING IS PROHIBITED

WARNING
NO SMOKING
SMOKING IS PROHIBITED

01.08.2009 13:57

4



01.08.2009 13:55



01.26.2009 15:36

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04.28.2009 11:08



7

04.28.2009 11:09



05.05.2009 09:18

9



05.05.2009 09:17

10



05.05.2009 09:17

11



05.28.2009 09:55

12



05.28.2009 09:55

13



05.28.2009 09:55