

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

DEPT: Planning and Community Development Af

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE December 3, 2013

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommendations from the Nuisance Abatement Hearing Board's Public Hearing Regarding Dangerous Building Case DAD2012-00010 Located at 1605 Vernon Avenue, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 1605 Vernon Avenue, Modesto, California, as set forth in Attachment 1.

FISCAL IMPACT:

The estimated cost to administer, demolish the structure, and remove all debris and rubbish located at 1605 Vernon Avenue is not to exceed \$7,500. All costs associated with the remediation of dangerous buildings within Stanislaus County are funded through the use of the Dangerous Building Abatement Fund. Cost allocations from the Dangerous Building Abatement Fund are to be reimbursed through the use of an abatement lien or paid for by the responsible parties that have legal ownership of said parcel. The Dangerous Building Abatement fund has an available fund balance of \$143,745 as of October 31, 2013.

BOARD ACTION AS FOLLOWS:

No. 2013-600

On motion of Supervisor Withdraw, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withdraw, Monteith, De Martini and Chairman Chiesa

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:

On June 8, 2012, the Stanislaus County Building Permits Division was notified by a citizen in regards to a burned building located at 1605 Vernon Avenue. On June 25, 2012, an inspection of the property was completed and revealed that the roof and all the exterior walls of the detached garage were destroyed and fire damaged. The Building Permits Division completed an investigation and found that the detached structure meets the standard of a Dangerous Building and posted to the structure a notice stating "DO NOT ENTER, UNSAFE TO OCCUPY".

A letter was mailed on July 12, 2012, to the owners listed on the Assessor's records, Joseph W. Tasker and Norma M. Tasker. The letter notified the owners that a structure on their property has burned and suffered severe fire damage to such an extent that it cannot be economically repaired. The recommendation was made to demolish the remaining portion of the structure.

When such fire damage occurs on private property, Building Permits Division staff makes several attempts to contact the owner and allow the owner ample time and every opportunity to remedy the nuisance prior to the County taking further legal action.

An additional site inspection was performed on August 28, 2012. No attempt to remove the substandard structure had been made at that time. A second letter was sent by certified mail notifying the property owners that positive action must be taken to correct the unsafe and substandard conditions that exist on the property. It was noted within the letter that the Stanislaus County Building Permits Division will start legal action in order to abate the unsafe and substandard structure that exists on the said property. The certified letter receipt was returned with a "Return to Sender" status.

On March 5, 2013, the final site investigation was completed and found that the owners had made no attempt to remove the substandard structure. A certified letter was sent March 8, 2013, notifying the owners that if no attempt was made to correct the unsafe and substandard structure then it would become necessary for the Stanislaus County Building Permits Division to start legal action to do so.

On July 24, 2013, a representative from the Stanislaus County Building Permits Division posted the structure with a "Notice and Order to Abate" and also sent a "Notice and Order to Abate" to the owner by certified mail. Immediately following the posting, the Stanislaus County Building Permits Division recorded a "Certificate of Existence of a Dangerous Building" with the Stanislaus County Clerk-Recorder's Office, Doc #2013-0063121-00.

A "Notice of Public Hearing" letter was sent to the property owners along with all parcel owners within 300 feet of this parcel on October 9, 2013. During the Nuisance Abatement Hearing Board meeting, held on October 24, 2013, the parcel owners failed to be present at the public hearing. Neighbors and residents of the neighborhood had the opportunity to speak during the public hearing and those that spoke were in favor of removing the Dangerous Building.

The Nuisance Abatement Hearing Board supported staff's recommendation to abate the unsafe structure and forward the matter to the Board of Supervisors recommending approval (Attachment 1). The Board may adopt, modify, or reject the recommendations, and if adopted, the property owner(s) will be required to abate the nuisance within two weeks of the Board's decision by complying with the requirements identified in Attachment 1. Should the owner(s) fail to comply, the Planning and Community Development Department, Building Permits Division, will contract through the approved methods and will conduct a forced clean-up by demolishing the unsafe structure; and removing and disposing of all debris, refuse, and rubbish to an approved off-site location.

The cost of the abatement will be charged to the property owner(s) and if the responsible person(s) fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

POLICY ISSUES:

Approval of the staff recommendations is consistent with the Board's priorities of A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services by protecting the public's interest and fostering pride in local communities.

STAFFING IMPACTS:

Current staff within the Stanislaus County Building Permits Division performs the administration of nuisance abatement cases.

CONTACT PERSONS:

Steve Treat or Denny Ferreira, Department of Planning and Community Development
Telephone: (209) 525-6557

ATTACHMENTS:

1. Nuisance Abatement Hearing Board Decision with Attachment A.



NUISANCE ABATEMENT HEARING BOARD

DECISION

**IN RE: 1605 Vernon
Abatement Hearing No. DAD2012-00010**

The Nuisance Abatement Hearing Board heard the above-referenced matter on **OCTOBER 24, 2013**. 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 1605 Vernon, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 037-010-032, is zoned R-1, residential.
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 and additional legal recorded documents.
4. All interested parties were served a Notice and Order 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 Nuisances 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.

ATTACHMENT 1

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 nuisances 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 nuisances 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 nuisances 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: October 24, 2013


Kenneth Buehner, Chair
Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on December 3, 2013 the Board of Supervisors will hear this matter as a consent item.

ATTACHMENT "A"

**COUNTY OF STANISLAUS
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING PERMITS DEVISION
INSPECTION REPORT
CASE # DAD2012-00010**

PROPERTY ADDRESS, APN AND LEGAL DESCRIPTION:

1605 Vernon Ave
Modesto, CA. 95358
APN 037-010-032

All that certain real property situated in the State of California, County of Stanislaus, Unincorporated Area and described as follows:

Lot 28 in Block 4008 of Paradise Homes, First Addition, as per map filed January 11, 1932, in Volume 11 of Maps, Page 22, Stanislaus County Records.

APN: 037-010-032

There are two (2) structures on the parcel, a dwelling unit and a detached garage. The detached garage is the subject of this action. According to the assessors records the structures were built in 1936. The parcel listed herein is located in a residential neighborhood currently zoned R-1 and has an estimated lot size of 0.25 acres. The physical location of the parcel is two parcels south of the intersection of Waverly and Vernon Ave. known as Paradise Homes, First Addition Subdivision.

PROPERTY OWNER INFORMATION:

Joseph W. Tasker & Norma M. Tasker are the owners of record according to the Stanislaus County Tax Assessor's web site. The most current title report and Deed obtained from Stewart Title Company stated the transfer of title was completed on July 11, 2005 and conveyed to Joseph W. Tasker and Norma M. Tasker.

HISTORY AND CASE INFORMATION:

June 8, 2012

- Stanislaus County Building Permits Division was notified about a fire damaged structure, a detached garage located at 1605 Vernon Ave.

June 25, 2012

- An inspection of the property was completed and immediately posted. The roof is collapsed, and exterior walls are severely fire damaged and must be removed.
- The Building Permits Division completed an investigation and found that the structure meets the standard of a Dangerous Building and posted the structure "DO NOT ENTER, Unsafe to Occupy"

July 12, 2012

- A certified letter was sent to the owners listed on the assessor's records, Joseph W. Tasker and Norma M. Tasker. The letter notified the owner that the structure is severely fire damaged to such an extent that it is not repairable. The recommendation was made to demolish the remaining portion of the structure.
- Created Dangerous Building Case DAD2012-00010

August 24, 2012

- No response received from the 1st letter, sent 2nd letter Certified Mail

August 28, 2012

- Completed follow up inspection of property. Found no progress has been made on the clean up or demolition of the fire damaged structure.

March 5, 2013

- Have not received return card for certified mailing set up follow up inspection.
- Completed follow up inspection. Property remained in same condition as last inspection. Found no progress on clean-up of debris or demolition of dangerous structure.

March 8, 2013

- Sent final Certified Letter to notify owner of intent to correct the unsafe and substandard condition through means of Nuisance Abatement by Stanislaus County.

June 7, 2013

- Ordered Lot Book Guarantee from Stewart Title for the title search.

July 23, 2013

- Received the Lot Book Guarantee and created the Notice and Order to Abate dangerous structure.
- Created Certificate of Existence of Substandard and Dangerous Building

July 24, 2013

- Completed follow up inspection. Property remained in same condition as last inspection. Found no progress on clean-up of debris or demolition of dangerous structure.
- Posted Notice and Order to Abate and sent copy and letter to owner.
- Recorded Certificate of Existence of Substandard and Dangerous Building with the Stanislaus County Clerk Recorder's Office. Doc #2013-0063121

September 19, 2013

- Gathered neighbor addresses from GIS and created a list for the notification of the neighbors within 300' of the subject property.
- Created Staff Report Cover Sheet
- Completed entries here to proceed to scheduling of the Nuisance Abatement Board Hearing.
- Have yet to receive any correspondence from owner for all letters sent.

ENFORCEMENT ACTION TAKEN:**July 24, 2013**

- Posted "Notice and Order" on structure; per Chapter 2 (2.92.030) of Title 16 and Title 16 (16.25.30);
- Certified letter sent with "Notice and Order"; per Chapter 2 (2.92.030) of Title 16 and Title 16 (16.25.30);
- Recorded "Certificate of Existence of Substandard and Dangerous Building" per Title 16 (16.25.30).

OCTOBER 9, 2013

- Notice of Public Hearings sent to owner and all parcel owners within 300 feet. Per Chapter 2 (2.92.070:A:1) of Title 16

VIOLATIONS:

Based upon the conditions I observed at the property and reviewing county files, I found the property owner violated the following provisions of the Stanislaus County Code and Business & Professions Code:

1. Unsafe structure found to be dangerous to the life, health, property or safety of the public. Sec. 16.25 Stanislaus County Code, Sec. 108.1.1 Unsafe Structures 2006 International Property Maintenance Code.
2. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure. Section 16.25 Stanislaus County Code, Sec. 110 International Property Maintenance Code.
3. Any use or condition of Property that is dangerous to human life, Unsafe or detrimental to the public health or safety Sec. 2.92.010 of the Stanislaus County Code.

DECLARATION:

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

DATE: 04/26/2012

Denny Ferreira

OFFICER

Approved: _____



Building Inspector