

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

DEPT: Planning and Community Development BOARD AGENDA #: *B-4 (d)

AGENDA DATE: February 14, 2017

SUBJECT:

Adoption of the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Nuisance at 1717 Donald Street, in the Modesto Area, Dangerous Building Abatement Case No. 2015-0009

BOARD ACTION AS FOLLOWS:

No. 2017-64

On motion of Supervisor Olsen , Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: *B-4(d)

AGENDA DATE: February 14, 2017

AF

CEO CONCURRENCE: 

4/5 Vote Required: Yes No

SUBJECT:

Adoption of the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Nuisance at 1717 Donald Street, in the Modesto Area, Dangerous Building Abatement Case No. 2015-0009

STAFF RECOMMENDATIONS:

1. Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the Nuisance at 1717 Donald Street, in the Modesto area, Dangerous Building Abatement Case No. 2015-0009, as set forth in Attachment 1.

DISCUSSION:

The Stanislaus County Planning and Community Development Department responds to dangerous building complaints throughout the unincorporated area of Stanislaus County and attempts to gain voluntary compliance through personal contact with property owners and those entities that have a financial interest in the property. Compliance efforts include conducting investigations, issuing Notice and Orders to Abate, recording the Certificate of Existence of Substandard and Dangerous Building with the Clerk-Recorder's Office, presenting cases before the Nuisance Abatement Hearing Board and the Board of Supervisors, and conducting forced cleanups (through a competitive bid process).

On December 15, 2015, in response to a complaint filed through the County's Government Outreach system regarding a property containing a fire damaged building, Building Division staff conducted an inspection of the subject property and verified the property contained a residential dwelling abandoned and damaged by fire. Subsequently, multiple investigations were conducted and followed up with three letters sent to the owner prior to a Notice and Order to Abate being issued. These compliance investigations revealed that the residential structure remained in violation and the property has become a location of illegal dumping in the area and no compliance efforts had been initiated. Failure to comply with the Notice and Order to Abate has resulted in a Certificate of Existence of Substandard and Dangerous Building being recorded with the Clerk-Recorder's Office.

Harold L. Koch is the current property owner of record according to the County Assessor's Office, the County Clerk-Recorder's Office, and a title report obtained from Chicago Insurance Title Company.

On January 26, 2017, the Nuisance Abatement Hearing Board (NAHB) supported staff's recommendation to declare the property a nuisance and forwarded the matter to the Board of

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Supervisors recommending approval (Attachment 1). The Board of Supervisors may adopt, modify, or reject the recommendations, and, if adopted the property owner will be required to abate the nuisance within two weeks of the Board of Supervisors' decision by complying with the requirements identified in Attachment 1. Should the owner fail to comply, staff will contract through the approved methods and will conduct a forced cleanup by removing all the junk, debris, refuse, and rubbish.

The cost of the abatement will be charged to the property owner and, if the responsible person fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property. Additionally, the Certificate of Existence of Substandard and Dangerous Building will remain filed in the Clerk-Recorder's Office until the property has been brought into compliance, or the Abatement Lien is recorded and placed on the Tax Roll by the Stanislaus County Tax Assessor. The Board of Supervisors will be asked to take separate action following the cleanup to find abatement costs reasonable in order for the Abatement Lien to be recorded.

POLICY ISSUE:

The Board of Supervisors' approval of a recommended decision of the Nuisance Abatement Hearing Board is necessary before a forced cleanup action can be initiated pursuant to Stanislaus County Code Section 2.92.010. Continuing violations that exist on properties may constitute a public nuisance if they remain unabated.

FISCAL IMPACT:

There is a potential fiscal impact if the property owner fails to comply and Planning and Community Development Department is forced to incur abatement costs. The Department has budgeted for abatements and will request estimates from contractors if this item is approved and the property owner fails to abate the nuisance. If a forced abatement is necessary, the costs will be charged to the property owner and if the responsible person fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property. The Department estimates a cost of \$18,000 for the cleanup of the property.

Cost of recommended action:	\$ 18,000
Source(s) of Funding:	
Dangerous Building Abatement Fund	18,000
Funding Total:	\$ 18,000
Net Cost to County General Fund	\$ -

Fiscal Year:	FY 2016/2017
Budget Adjustment/Appropriations needed:	No

Adoption of the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Nuisance at 1717 Donald Street, in the Modesto Area, Dangerous Building Abatement Case No. 2015-0009

BOARD OF SUPERVISORS' PRIORITY:

The recommended action supports the Board of Supervisors' priorities of a Safe Community, A Healthy Community, and the Efficient Delivery of Public Services by improving the quality of the life and protecting the health and safety of the community.

STAFFING IMPACT:

Planning and Community Development Department staff is responsible for the administration of Dangerous Building Abatement cases, including property inspections, posting and recording of notices, preparing staff reports and attending meetings associated with the cases, and contracting for the forced cleanup of nuisance property.

CONTACT PERSON:

Angela Freitas, Planning and Community Development Director Telephone: (209) 525-6330
Denny Ferreira, Chief Building Official Telephone: (209) 525-6557

ATTACHMENT(S):

1. Nuisance Abatement Hearing Board Recommended Decision Dated January 26, 2017
2. Area and Site Map
3. Photographs of 1717 Donald Street, Modesto, CA (APN 037-022-062)

Attachment 1



NUISANCE ABATEMENT HEARING BOARD

DECISION

IN RE: 1717 Donald Street Abatement Hearing No. DNB2015-0009

The Nuisance Abatement Hearing Board heard the above-referenced matter on **January 26, 2017**. 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 1717 Donald Street Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 037-022-062, and is zoned R-2 (Medium Density 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, the property was posted and a Notice of Public Hearing has been published 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:

Approve Staff's recommendation and determine the structure is Unsafe and:

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.

Deny Staff's recommendation and determine the structure is **NOT** an Unsafe structure as defined by The International Property Maintenance Code and Stanislaus County Code.

Dated: January 26, 2017



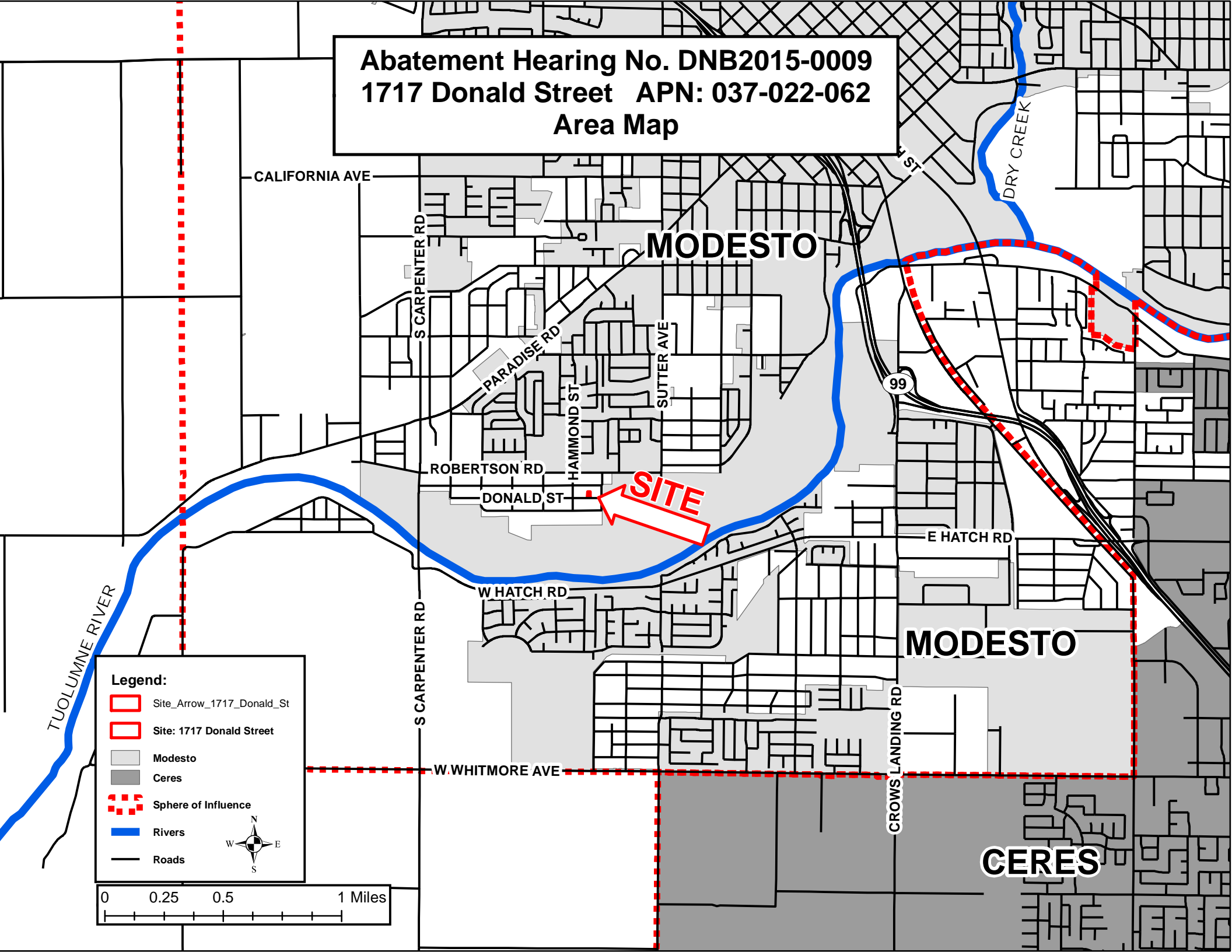
TOM ORVIS, CHAIRPERSON

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on **February 14, 2017** the Board of Supervisors will hear this matter as a consent item.

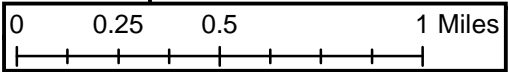

Attachment 2

**Abatement Hearing No. DNB2015-0009
1717 Donald Street APN: 037-022-062
Area Map**

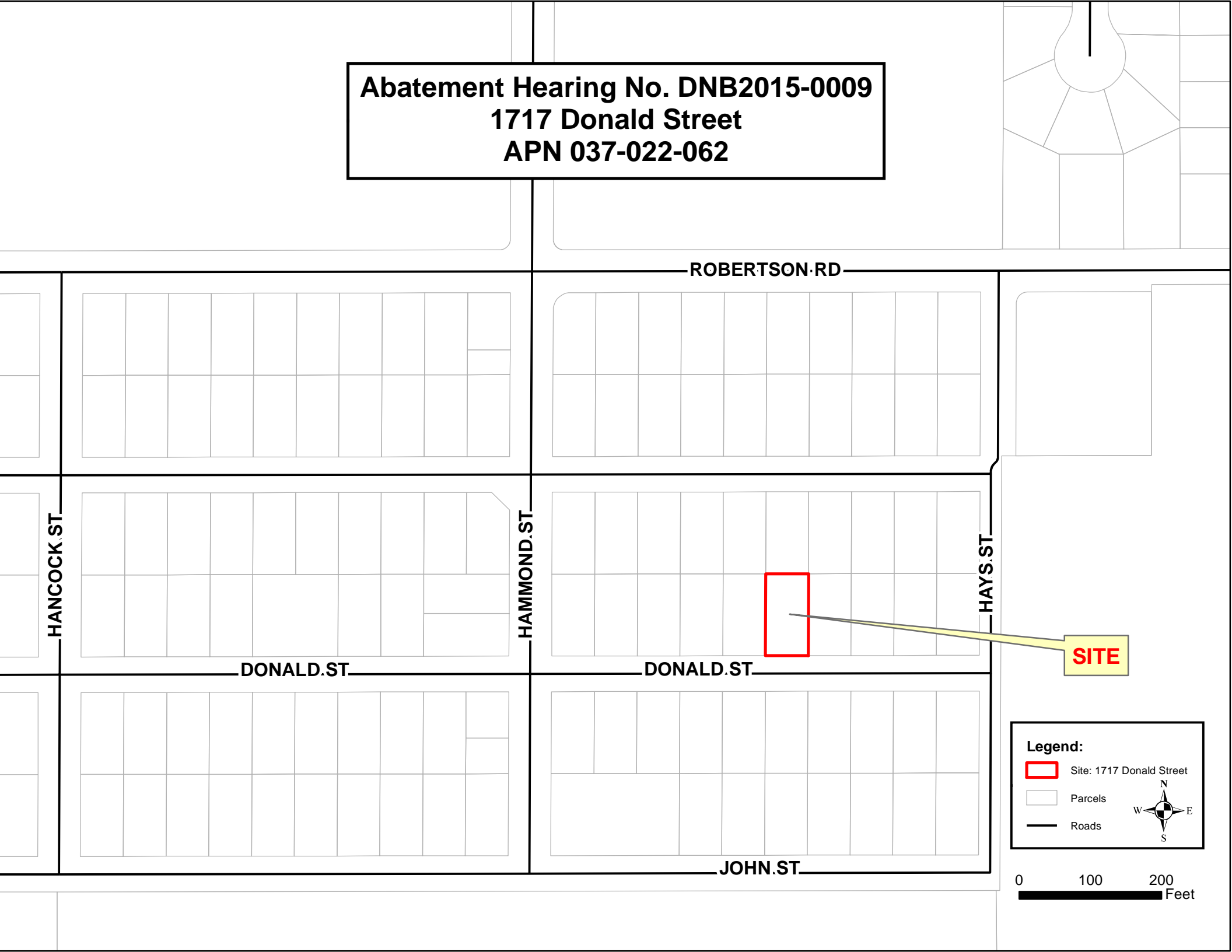
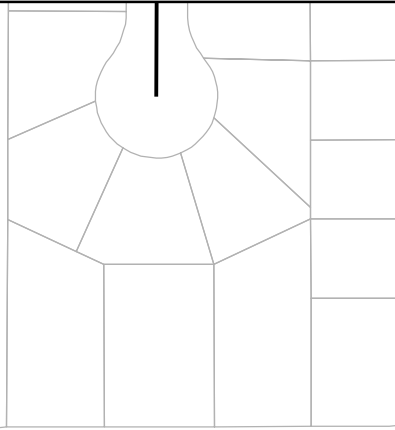


Legend:

- Site_Arrow_1717_Donald_St
- Site: 1717 Donald Street
- Modesto
- Ceres
- Sphere of Influence
- Rivers
- Roads






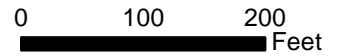

Abatement Hearing No. DNB2015-0009
1717 Donald Street
APN 037-022-062



SITE

Legend:

-  Site: 1717 Donald Street
-  Parcels
-  Roads



Attachment 3











