

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

DEPT: Planning and Community Development

BOARD AGENDA #: \*D-3

AGENDA DATE: March 7, 2017

**SUBJECT:**

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Property at 1313 Inyo Avenue, in the Modesto Area, Dangerous Building Abatement Case No. 2016-0001

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**BOARD ACTION AS FOLLOWS:**

No. 2017-104

On motion of Supervisor Monteith , Seconded by Supervisor DeMartini

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) X Approved as recommended


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

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

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

MOTION:

ATTEST:

  
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

BOARD AGENDA #: \*D-3

Urgent  Routine

*AF*

AGENDA DATE: March 7, 2017

CEO CONCURRENCE:

4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Property at 1313 Inyo Avenue, in the Modesto Area, Dangerous Building Abatement Case No. 2016-0001

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**STAFF RECOMMENDATIONS:**

1. Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the property at 1313 Inyo Avenue, in the Modesto area, Dangerous Building Abatement Case No. 2016-0001, 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 October 8, 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 single family dwelling abandoned and damaged by fire. Subsequently, multiple investigations were conducted and followed up with three letters sent to the property owner prior to a Notice and Order to Abate being issued. These compliance investigations revealed that the property remained in violation 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.

John Buantello ET AL, is the owner of record according to the Stanislaus County Assessor's website. The most current Lot Book Guarantee obtained from Chicago Title Insurance Company revealed John Buantello and Eddie Buantello, both single men, were granted the property by Susy Buantello.

On February 23, 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

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Property at 1313 Inyo Avenue, in the Modesto Area, Dangerous Building Abatement Case No. 2016-0001

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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' adoption of the 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 the 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 \$15,000 for the cleanup of the property.

<b>Cost of recommended action:</b>	\$ 15,000
<b>Source(s) of Funding:</b>	
Dangerous Building Abatement Fund	15,000
<b>Funding Total:</b>	\$ 15,000
<b>Net Cost to County General Fund</b>	\$ -

**Fiscal Year:**

FY 2016/2017
<b>No</b>

**Budget Adjustment/Appropriations needed:**

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Property at 1313 Inyo Avenue, in the Modesto Area, Dangerous Building Abatement Case No. 2016-0001

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**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 February 23, 2017
2. Area and Site Maps
3. Photographs of 1313 Inyo Avenue, Modesto (APN 056-039-028)

# Attachment 1



## NUISANCE ABATEMENT HEARING BOARD

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### DECISION

**IN RE: 1313 Inyo Avenue  
Abatement Hearing No. DNB2016-0001**

The Nuisance Abatement Hearing Board heard the above-referenced matter on **February 23, 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 1313 Inyo Avenue, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 056-039-028, and is zoned R-1 (Single Family Residential).
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes occurring on the property, as noted in the County of Stanislaus Planning and Community Development Department Building Permits Division Inspection Report Case # DNB2016-0001.
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: **February 23, 2017**



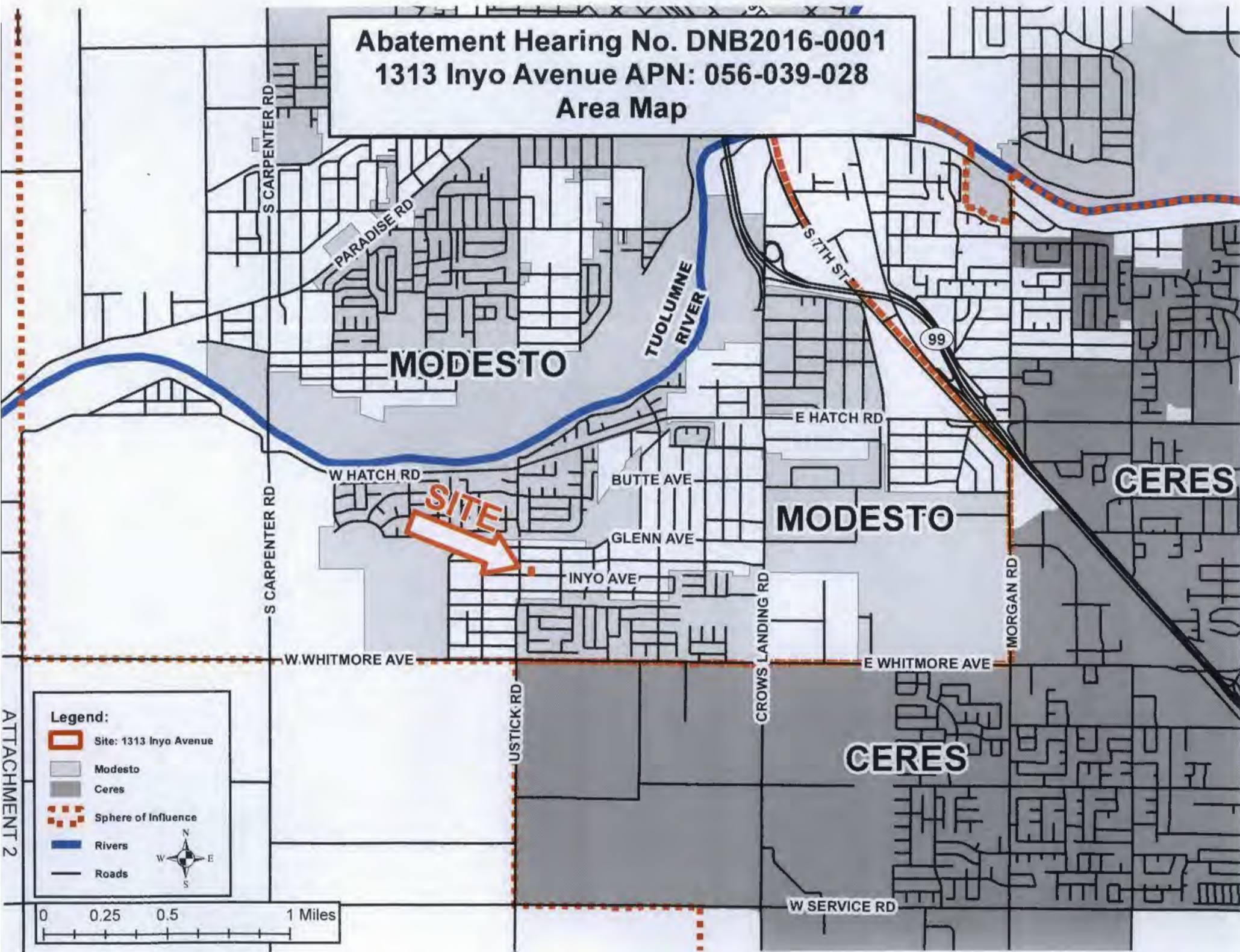
**MARJORIE BLOM, CHAIRPERSON**  
**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on **March 7, 2017** the Board of Supervisors will hear this matter as a consent item.

# Attachment 2



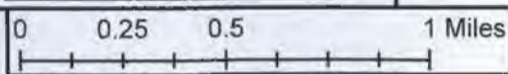
**Abatement Hearing No. DNB2016-0001**  
**1313 Inyo Avenue APN: 056-039-028**  
**Area Map**



**SITE**

**Legend:**

- Site: 1313 Inyo Avenue
- Modesto
- Ceres
- Sphere of Influence
- Rivers
- Roads



ATTACHMENT 2

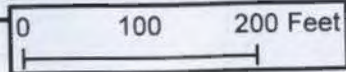


**Abatement Hearing No. DNB2016-0001  
1313 Inyo Avenue APN: 056-039-028  
Area Map**



**Legend:**

-  Site: 1313 Inyo Avenue
-  Modesto
-  Rivers
-  Roads



# Attachment 3





01/05/2017 12:22

ATTACHMENT 3





01/05/2017 12:22





01/12/2017



