

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

DEPT: PUBLIC WORKS

BOARD AGENDA # \*C-3

Urgent \_\_\_\_\_ Routine \_\_\_\_\_

AGENDA DATE APRIL 10, 2001

CEO Concurs with Recommendation YES \_\_\_\_\_ NO \_\_\_\_\_  
(Information Attached)

4/5 Vote Required YES \_\_\_\_\_ NO \_\_\_\_\_

SUBJECT: ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING 1621 PORTLAND AVE., MODESTO, CALIFORNIA. HEARING NO. 2001-04

STAFF  
RECOMMEN-  
DATIONS:

ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING CASE NO 2001-04.

FISCAL  
IMPACT:

Demolition cost recovery pursuant to Uniform Code for the Abatement of Dangerous Buildings, Chapter 9 Section 905.1, which will be a separate board item.

BOARD ACTION AS FOLLOWS:

No. 2001-259

On motion of Supervisor Blom \_\_\_\_\_, Seconded by Supervisor Caruso \_\_\_\_\_  
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul \_\_\_\_\_

Noes: Supervisors: None \_\_\_\_\_

Excused or Absent: Supervisors: None \_\_\_\_\_

Abstaining: Supervisor: None \_\_\_\_\_

1)  Approved as recommended

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

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

Motion:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro Deputy

File No.

**SUBJECT:** ADOPT THE RECOMMENDATIONS OF THE NUISANCE ABATEMENT HEARING BOARD REGARDING 1621 PORTLAND AVE., MODESTO, CALIFORNIA. HEARING NO. 2001-04  
**PAGE:** 2

**DISCUSSION:** The item before the Board today is to adopt, modify, or reject the recommendation of the Planning Commission acting as the Nuisance Abatement Hearing Board, as presented in Attachment "A".

This agenda item concerns 1621 Portland Avenue, Modesto, California. A complaint was registered with Department of Environmental Resources and referred to the Building Inspection Staff. The Building Inspection staff made a site inspection, noted a vacant fire damaged substandard structure, two metal storage sheds and a growth of vegetation. A Notice and Order was posted on the property and mailed to all parties. New interested party mailed Notice and Order on November 28, 2000. A Certificate of Existence was recorded with the Stanislaus County Recorder. This matter was brought before the Planning Commission, acting as the Nuisance Abatement Hearing Board, on March 15, 2001. The complete history of this case is disclosed in Attachment "A."

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations as detailed in Attachment "A", the owner (deceased) or the heirs will have to abate the nuisance, including the demolition of the subject dwelling and two metal storage sheds within two weeks after the Board of Supervisor's decision.

Should the owner (deceased) or the heirs fail to comply within that two week period, County staff will abate the nuisance by demolishing the structures as set forth in the Uniform Code for the Abatement of Dangerous Buildings, adopted by Stanislaus County Code, Chapter 16.30.010. The cost of the abatement will be placed as an Abatement Lien against the property.

If the Board adopts the Nuisance Abatement Hearing Board's recommendations, 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 recommendation as presented in the decision of Abatement Hearing No. 2001-04. Attachment "A". Acceptance of this recommended action is consistent with the Board's policy of providing a safe, and healthy community by removing dangerous structures and efficient government operations by recovering associated costs.

**STAFFING  
IMPACTS:**

There is no staffing impact associated with this action.

DW:la



**STANISLAUS COUNTY  
NUISANCE ABATEMENT HEARING BOARD**

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DECISION

IN RE: 1621 Portland Avenue, Modesto, Ca.  
Abatement Hearing No. 2001-04

The above-referenced matter was heard on March 15, 2001 by the Stanislaus County Planning Commission sitting as the Nuisance Abatement Hearing Board. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Hearing Board finds and determines as follows:

1. The property located at 1621 Portland Avenue, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 056-14-05, respectively (the "Property"), is zoned R-1 ( single dwelling residential).
2. County staff confirmed the existence of and presented evidence of violations of Stanislaus County Code occurring on the Property.
3. All owners of record ("owners"), tenants and others holding an interest of record in the Property (collectively, the "interested Parties") are identified and listed in the title report contained in the staff report regarding this matter. The title report lists Ada E. Cooksey as the owner of record for the Property. Ada E. Cooksey is deceased.
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 all Interested Parties have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by the Notice.
6. The owners have the legal responsibility for maintenance of the Property in conformance with 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

Stanislaus County Nuisance Abatement Hearing Board  
Abatement Hearing No. 2001-04


herein by reference, there is substantial evidence that violations of the Stanislaus County Code, as set forth in the staff report for this matter, still exist 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's 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, including the demolition of the subject dwelling, and to charge the cost of abatement by the County to the Owners if the Owner or other Interested Party does not abate the nuisance within the specified time period, as set forth in the Uniform Code for Dangerous Building Abatement, adopted by Stanislaus County Code, Chapter 16.30.010.
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 cost of disposal to the Owners as part of the cost of abatement.
4. Order a Notice of Abatement Lien be recorded against the Property if the Owner fails to pay the cost of abatement upon demand by the County.

Dated: March 15, 2001

  
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Kathleen Griffin, Chair  
Nuisance Abatement Hearing Board