

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

DEPT: Planning and Community Development

BOARD AGENDA # \*D-2

Urgent

Routine

AGENDA DATE November 15, 2011

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Adopt the Recommendations from the Nuisance Abatement Board's Public Hearing Regarding Dangerous Building Case DAD2011-00006 Located at 503 and 505 Kerr Avenue, Modesto, California

STAFF RECOMMENDATIONS:

1. Adopt the decision from the Nuisance Abatement Board to abate the dangerous buildings located at 503 and 505 Kerr Avenue, Modesto, California.
2. Approve the use of the Dangerous Building Abatement Fund for all costs associated with the abatement of the public nuisance.
3. Direct the Department of Planning and Community Development to recover costs by recording a "Notice of Abatement Lien" against the property in an amount not to exceed \$9,500 in the event the owners and/or interested parties fail to pay the costs incurred by the Dangerous Building Abatement Fund following approval of cost recovery by the Nuisance Abatement Board.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with the remediation of dangerous buildings within Stanislaus County are funded through the use of the Dangerous Building Abatement Fund. The estimated cost to administer, demolish the structures, and remove all debris and rubbish located at 503 and 505 Kerr Avenue is \$9,500. 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.

BOARD ACTION AS FOLLOWS:

No. 2011-710

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

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

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 TALLMAN, Clerk

File No.

**STAFF RECOMMENDATIONS: (Continued)**

4. Direct the Auditor-Controller to increase appropriations in the Planning and Community Development- Dangerous Building Abatement budget as detailed on the attached financial transaction form due to increased activity in the Dangerous Building Program.

**DISCUSSION:**

This agenda item is for the Board of Supervisors to consider the October 27, 2011, recommendation of the Nuisance Abatement Board, as attached herein.

The property is located at 503 and 505 Kerr Avenue, Modesto, California, which is zoned R-3 (Residential) and contains one vacant fire damaged multi-family dwelling unit on the parcel. The following is the series of steps taken by County staff to bring corrective action to this property.

On June 23, 2011, the Stanislaus County Building Permits Division was notified in regards to structure fires on neighboring parcels. An inspection of the property was completed and it revealed the roof, interior walls, and exterior walls of the dwelling were severely fire damaged. The Building Permits Division completed an investigation and found that the multi-family dwelling structure meets the standard of a Dangerous Building and posted the structure "DO NOT ENTER, UNSAFE TO OCCUPY".

A letter was sent on June 23, 2011, to the owner listed on the Assessor's records, Sohan Samram. The letter notified the owner that the structure has 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. The certified mail receipt was returned to indicate that the owner received and signed for the letter but no other correspondence has been initiated by the owner.

When such fire damage occurs on private property, Building Permits Division staff 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 July 25, 2011. No attempt to remove the substandard building had been made at that time. A second letter was sent by certified mail notifying the property owner, Sohan Samram that positive action must be taken to correct the unsafe and substandard conditions by August 25, 2011. It is noted within the letter that the Stanislaus County Building Permits Division will start the legal action, after the mentioned date, in order to abate the unsafe and substandard structure that exists on the said property. The certified mail receipt was returned to indicate that the owner received and signed for the letter.

An additional site inspection was performed on September 6, 2011. At that time, it was noted that no attempts to remove the substandard building had been made. 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 #11-0073880-00.

On October 13, 2011, a "Notice of Public Hearing" letter was sent to the property owner and all parcel owners within 300 feet of this parcel. During the Nuisance Abatement Board meeting, held on October 27, 2011, the parcel owners failed to be present at the public hearing and the Nuisance Abatement Board approved the recommendation to abate the unsafe structures based on the evidence provided by Building Permits Division staff.

Division staff recommends that the Board of Supervisors adopt the Nuisance Abatement Hearing Board's recommendations to abate the nuisance, as attached herein. The Planning and Community Development Department, Building Permits Division, will contract through the approved methods and take the following actions to abate the nuisance in a timely manner:

1. Collect and dispose of all debris, refuse, and rubbish to an approved off-site location; and,
2. Demolish the unsafe structures.

**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 perform 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 and Inspection Report
2. Financial Transaction Form



## NUISANCE ABATEMENT HEARING BOARD

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### DECISION

**IN RE: 503/505 Kerr Avenue  
Abatement Hearing No. DAD2011-00006**


The Nuisance Abatement Hearing Board heard the above-referenced matter on **October 27, 2011**. 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 503/505 Kerr Avenue, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 035-038-018, is zoned R-3, 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. The title report lists **Sohan Samaram** as the owner(s) of record.
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 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: October 27, 2011

  
\_\_\_\_\_  
**Steve Boyd, Chair**  
**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on **November 15, 2011** 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 # DAD2011-00006**

**BUILDING INSPECTOR:**

Denny Ferreira

**PROPERTY ADDRESS, APN AND LEGAL DESCRIPTION:**

503/505 Kerr  
Modesto, CA. 95351  
APN 035-038-018

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

The South 60 feet of the North 132.71 feet of Lot 1 in Block 2078 of Sierra Subdivision No. 2 in the County of Stanislaus, State of California, as shown on Map filed in Book 11, Page 31 of Maps, in the Office of the County Recorder of said County.

APN: 035-038-018

There is one (1) structure on the parcel that was used as a multifamily dwelling unit. According to the assessors records the structure was built in 1950. The parcel listed herein is located in a residential neighborhood currently zoned R-3 and has an estimated lot size of 0.15 acres. The physical location of the parcel is south of Canal street and north of Oregon Drive within the Sierra Subdivision Number 2.

**PROPERTY OWNER INFORMATION:**

Soham Samaran is the owner 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 that the transfer of title was completed on December 3, 2009 and conveyed to Sohan Samaran.

## **GENERAL HISTORY AND BACKGROUND INFORMATION:**

### **JUNE 23, 2011**

- Stanislaus County Building Permits Division was notified about two (2) house fires on neighboring properties. (503/505 Kerr and 507 Kerr)
- An inspection of the property was completed and immediately posted. The roof, interior walls 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"
- A certified letter was sent to the owner listed on the assessor's records, Sohan Samaram. The letter notified the owner that the structure had been burned and the damage to the structure is to such an extent that it is not repairable. The recommendation was made to demolish the remaining portion of the structure.

### **JUNE 27, 2011**

- Certified mail receipt was returned to indicate that the owner received and signed for the letter

### **JULY 25, 2011**

- Site Inspection performed. No attempt to remove the substandard building had been made.
- A second letter was sent notifying the property owner, Soham Samaram, that positive action must be taken to correct the unsafe and substandard conditions by August 25, 2011. It is noted within the letter that the Building Permits Division will start the legal action, after the mentioned date, in order to abate the unsafe and substandard structure that exists on said property.

### **JULY 28, 2011**

- Certified mail receipt was returned to indicate that the owner received and signed for the letter.

### **AUGUST 25, 2011**

- Lot Book Guarantee was ordered from Stewart Title.

### **SEPTEMBER 6, 2011**

- Lot Book Guarantee received.

- Site Inspection performed. No attempt to remove the substandard building had been made.
- Posted the structure with a "Notice and Order to Abate" and also sent a "Notice an Order to Abate" to the owner by Certified Mail.
- The Stanislaus County Building Permits Division recorded a "Certificate of Existence of a Dangerous Building" with the Stanislaus County Clerk Recorder's Office. Doc #11-0073880-00

**SEPTEMBER 12, 2011**

- Certified mail receipt was returned to indicate that the owner received and signed for the "Notice and Order" letter.

**ENFORCEMENT ACTION TAKEN:**

**SEPTEMBER 6, 2011**

- 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 13, 2011**

- 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:

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.

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.

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: 10/27/2011

Denny Ferreira

OFFICER

Approved:



Building Inspector

