

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

DEPT: Planning and Community Development *AK*

BOARD AGENDA # \*D-1

Urgent  Routine

AGENDA DATE May 8, 2012

CEO Concurs 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 DAD2011-00004 Located at 901 Parklawn Avenue, Modesto, California

STAFF RECOMMENDATIONS:

1. Adopt the decision from the Nuisance Abatement Hearing Board to abate the dangerous building located at 901 Parklawn Avenue, Modesto, California.
2. Approve the use of the Dangerous Building Abatement Fund for all the costs associated with the abatement of the public nuisance.

(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 structure, and remove all debris and rubbish located at 901 Parklawn Avenue is \$7,000. 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. On April 30, 2012, the cash balance for the Dangerous Building Abatement Fund was \$165,566.

BOARD ACTION AS FOLLOWS:

No. 2012-222

On motion of Supervisor Chiesa, Seconded by Supervisor Withdraw  
and approved by the following vote,

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

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:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**STAFF RECOMMENDATIONS: (Continued)**

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 \$7,000 in the event the owners and/or the interested parties fail to pay the costs incurred by the Dangerous Building Abatement Fund following approval of cost recovery by the Nuisance Abatement Hearing Board.

**DISCUSSION:**

This agenda item is for the Board of Supervisors to consider the April 26, 2012, recommendation of the Nuisance Abatement Hearing Board, as attached herein.

The property is located at 901 Parklawn Avenue, Modesto, California, which is zoned R-1 (Residential) and contains one vacant fire damaged single-family dwelling. The following is the series of steps taken by County staff to bring corrective action to this property.

On December 17, 2010, the Stanislaus County Building Permits Division was notified by a constituent in regards to a burned building at 901 Parklawn Avenue. An inspection of the property was completed and it revealed the roof, interior walls, and exterior walls of the dwelling were destroyed and fire damaged. The Building Permits Division completed an investigation and found that the structure of the single-family dwelling meets the standard of a Dangerous Building and posted the structure "DO NOT ENTER, UNSAFE TO OCCUPY".

A letter was sent on March 29, 2011, to the owners listed on the Assessor's records, Gene and Conchita Fields. The letter notified the owners 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 letter was signed for and delivered.

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.

Mrs. Conchita Fields met with staff from the Stanislaus County Building Permits Division on April 15, 2011. At that time, Mrs. Conchita Fields provided a recorded "Substitution of Trustee" and a "Substitution of Trustee and Deed of Reconveyance" in person. The recorded document indicated that Gene and Conchita Fields defaulted on the property and U.S. Bank National/Select Portfolio Services, Inc. as being the present and legal owner and Fidelity National Title Insurance as successor trustee.

The same letter that notified Gene and Conchita Fields of the conditions that exist on the property, was then sent to U.S. Bank National/Select Portfolio Service, Inc. and Fidelity National Title Insurance.

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 owners, U.S. Bank National/Select Portfolio Services, Inc. as being the present and legal owner and Fidelity National Title Insurance as successor trustee, 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 letter receipt was signed, returned, and shown to be delivered to U.S. Bank National.

An additional site inspection was performed on February 2, 2012. 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 #12-0011023-00.

On April 13, 2012, a "Notice of Public Hearing" letter was sent to the property owners and all parcel owners within 300 feet of this parcel. During the Nuisance Abatement Hearing Board meeting, held on April 26, 2012, the parcel owners failed to be present at the public hearing and no member of the public addressed the Nuisance Abatement Hearing Board on this item. The Nuisance Abatement Hearing 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.

Approval to Adopt the Recommendations from the Nuisance Abatement Hearing Board's Public Hearing Regarding Dangerous Building Case DAD2011-00004 Located at 901 Parklawn Avenue, Modesto, California  
Page 4

**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



## NUISANCE ABATEMENT HEARING BOARD

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### DECISION

IN RE: 901 PARKLAWN  
Abatement Hearing No. DAD2011-00004

The Nuisance Abatement Hearing Board heard the above-referenced matter on **April 26, 2012**. 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 901 Parklawn, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 086-007-045, 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.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

ATTACHMENT 1

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: April 26, 2012



**Robert Crabtree, Chair**  
**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on **May 8, 2012** 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 # DAD2011-00004**

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

901 Parklawn  
Modesto, CA 95351  
APN #: 086-007-045

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

LOT 20 IN BLOCK 10025 OF OLYMPIC TRACT, ACCORDING TO THE MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA ON MAY 18, 1946 IN VOLUME 14 OF MAPS AT PAGE 55.

APN: 086-007-045

There is a single family dwelling on said parcel. According to the assessors records the structure was built in 1948. The parcel listed herein is located in a residential neighborhood currently zoned R-1 and has an estimated lot size of 0.20 acres. The physical location of this corner parcel is east of the Intersection of Church Street and Parklawn.

### **PROPERTY OWNER INFORMATION:**

Gene and Conchita Fields 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 similar information. Recorded documentation was submitted from Mrs. Conchita Fields showing that they no longer have ownership of the property due to foreclosure and documented by a Substitution of Trustee.

### **HISTORY AND CASE INFORMATION:**

#### **DECEMBER 17, 2010**

- Stanislaus County Building Permits Division was notified by a constituent in regards to a burned building on said parcel.

- An Inspection of the property was completed and immediately posted. 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 structure meets the standard of a Dangerous Building and posted the structure "DO NOT ENTER, Unsafe to Occupy"

#### **MARCH 29, 2011**

- A letter was sent to the owner(s) listed on the assessor's records, Gene and Conchit Fields. 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 structures.

#### **APRIL 4, 2011**

- The Stanislaus County Building Permits Division received the certified letter receipt indicating that the owners received the letter.

#### **APRIL 15, 2011**

- Mrs. Conchita Fields provided the Building Permits Division a "Substitution of Trustee" and a "Substitution of Trustee and Deed of Reconveyance" in person.
- The recorded documents showed that Gene and Conchita Fields Defaulted on the property and U.S. Bank National/Select Portfolio Services, Inc. as being the present legal owner and Fidelity National Title Insurance as successor trustee.

#### **June 23, 2011**

- The same letter that notified the parcel owners of the conditions that existed on the property, was also sent to U.S. Bank National/Select Portfolio Services, Inc. and Fidelity National Title Insurance.

#### **JULY 25, 2011**

- Site Inspection performed. No attempt to remove the substandard building had been made.
- A second letter was sent by certified mail notifying the property owner, U.S. Bank National/Select Portfolio Services, Inc. and Fidelity National Title Insurance 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.

**AUGUST 1, 2011**

- Certified mail receipt was returned to indicate that U.S. Bank National Services, the owner received and signed for the letter.

**FEBRUARY 2, 2012**

- Lot Book Guarantee was ordered from Stewart Title.

**FEBRUARY 6, 2012**

- 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.

**FEBRUARY 8, 2012**

- The Stanislaus County Building Permits Division recorded a "Certificate of Existence of a Dangerous Building" with the Stanislaus County Clerk Recorder's Office. Doc #12-0011023-00

**ENFORCEMENT ACTION TAKEN:**

**FEBRUARY 6, 2012**

- 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);

**FEBRUARY 8, 2012**

- Recorded "Certificate of Existence of Substandard and Dangerous Building" per Title 16 (16.25.30).

**April 13, 2012**

- 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 structures 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

**COUNTY OF STANISLAUS  
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
BUILDING PERMITS DEVISION  
INSPECTION REPORT  
CASE # DAD2011-00004**

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**BUILDING INSPECTOR:**

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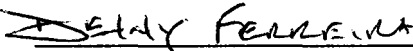
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3. Any use or condition of Property that is dangerous to human life, Unsafe or detrimental to the public health or safety Sec. 2.92.010 of the Stanislaus County Code.

**DECLARATION:**

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

DATE: 09/26/12 \_\_\_\_\_  \_\_\_\_\_  
OFFICER

Approved:  Building Inspector