

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 June 26, 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 DAD2011-00005 Located at 116 Angle Lane, Modesto, California

STAFF RECOMMENDATIONS:

1. Adopt the decision from the Nuisance Abatement Hearing Board to abate the dangerous building located at 116 Angle Lane, Modesto, California.
2. Approve the use of the Dangerous Building Abatement Fund for all the 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 \$12,500 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.

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 116 Angle Lane is \$12,500. 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. The estimated fund balance for the Dangerous Building Abatement fund is estimated to be \$165,381 as of May 31, 2012.

BOARD ACTION AS FOLLOWS:

No. 2012-319

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

Ayes: Supervisors: Chiesa, Withrow, 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:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

This agenda item is for the Board of Supervisors to consider the May 24, 2012, recommendation of the Nuisance Abatement Hearing Board, as attached herein.

The property is located at 116 Angle Lane, Modesto, California, which is zoned R-3 (Multiple Family) and contains two vacant fire damaged single-family dwellings. The following is the series of steps taken by County staff to bring corrective action to this property.

On June 6, 2011, the Stanislaus County Building Permits Division was notified by the Modesto Regional Fire Department in regards to a burned building at 116 Angle Lane. An inspection of the property was completed and it revealed the roof, interior walls, and exterior walls of one of the two dwellings located on-site 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 June 7, 2011, to the owners listed on the Assessor's records, JKVCC Investments, Inc. The letter notified the owners that a structure on their property has burned and suffered 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.

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.

An additional site inspection was performed on July 25, 2011. No attempt to remove the substandard structure had been made at that time. A second letter was sent by certified mail notifying the property owners, JKVCC investments, Inc., as being the present and legal owner 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 returned with a "Return to Sender" status. On February 2, 2012, the letter was resent to a new address that was provided to the Building Permits Division. The certified letter receipt was returned on February 14, 2012 indicating that the letter was received and signed for.

On March 28, 2012, 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 #12-0027810-00.

The Stanislaus County Department of Environmental Resources Code Enforcement Division reported to the Building Permits Division that another fire has occurred on the same parcel, this time to the second single family dwelling. The fire occurred on May 4, 2012 and an inspection of the property was completed on May 11, 2012. The roof, interior and exterior walls were severely fire damaged. Due to structural damage the dwelling was then posted "Do Not Enter, Unsafe To Occupy" and added into the May 24, 2012 Nuisance Abatement Board Hearing action for approval.

A "Notice of Public Hearing" letter was sent to the property owners along with all parcel owners within 300 feet of this parcel on May 14, 2012. During the Nuisance Abatement Hearing Board meeting, held on May 24, 2012, the parcel owners failed to be present at the public hearing and 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.

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 performs the administration of nuisance abatement cases.

Approval to Adopt the Recommendations from the Nuisance Abatement Hearing Board's Public Hearing Regarding Dangerous Building Case DAD2011-00005 Located at 116 Angle Lane, Modesto, California
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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

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NUISANCE ABATEMENT HEARING BOARD

DECISION

IN RE: 116 ANGLE LANE Abatement Hearing No. DAD2011-00004

The Nuisance Abatement Hearing Board heard the above-referenced matter on **May 24, 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 116 Angle Lane, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 035-032-019, is zoned R-3, multifamily.
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 A 125

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 the 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: May 24, 2012



Robert Crabtree, Chair
Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on **June 19, 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**

PROPERTY ADDRESS, APN AND LEGAL DESCRIPTION:

116 Angle Lane
Modesto, CA 95354
APN #: 035-032-019

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

The West 94 feet of the East 194 feet of Lot 2 in Block 7 of the MODESTO COLONY, according to the Map thereof, filed in the office of the County Recorder of Stanislaus County, California, on July 30, 1888 in Volume 1 of Maps at page 33.

EXCEPTING THEREFROM the North 190 feet and the South 150 feet thereof.

APN: 035-032-019

There is a two burned single family dwellings on said parcel. According to the assessors records the structures were built in 1946. The parcel listed herein is located in a residential neighborhood currently zoned R-3 and has an estimated lot size of 0.20 acres. The physical location of this parcel is west of the Intersection of Empire Avenue and Angle.

PROPERTY OWNER INFORMATION:

JKVCC INVESTMENTS INC., a California corporation, 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 similar information.

HISTORY AND CASE INFORMATION:

JUNE 6, 2011

- Stanislaus County Building Permits Division was notified by Stanislaus Consolidated Fire department 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"

JUNE 7, 2011

- A letter was sent to the owner(s) listed on the assessor's records, JVKCC Investments Inc.. 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.

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, JVKCC Investments Inc. 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 was returned with a status of "Return To Sender" to indicate that JVKCC Investments Inc, the owner, was no longer occupying that address.

FEBRUARY 2, 2012

- A new address for JVKCC Investments Inc. was provided to the Building Permits Division and the letter that was sent on July 25, 2011 was resent.

FEBRUARY 14, 2012

- The certified letter was received, signed for, and the receipt was returned.

MARCH 16, 2012

- Lot Book Guarantee was ordered from Stewart Title.

MARCH 27, 2012

- Lot Book Guarantee received.
- Site Inspection performed. No attempt to remove the substandard building had been made.

MARCH 28, 2012

- 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.

MARCH 29, 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

MAY 4, 2012

- The Stanislaus County Department of Environmental Resource's Code Enforcement Division reported an additional fire occurred on the other single family dwelling that exists on the parcel.

MAY 11, 2012

- An Inspection of the property was completed. The roof, interior walls and exterior walls of the second dwelling were severely fire damaged.
- The second burned dwelling on the parcel was then posted "DO NOT ENTER, Unsafe To Occupy".

ENFORCEMENT ACTION TAKEN:

MARCH 28, 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);

MARCH 29, 2012

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

MAY 14, 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.

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

DATE: 05/24/2012

Denny Ferreira

OFFICER

Approved: _____

Denny Ferreira

Building Inspector