

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

DEPT: Planning and Community Development *PC*

BOARD AGENDA # \*D-3

Urgent  Routine

AGENDA DATE July 15, 2014

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 Regarding Dangerous Building Case DNB2013-0004, Located at 205 S. Santa Ana Avenue, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 205 S. Santa Ana Avenue, Modesto, California, as set forth in Attachment 1.

FISCAL IMPACT:

The estimated cost to administer, demolish all three of the remaining structures, and remove all debris and rubbish located at 205 S. Santa Ana Avenue is not to exceed \$17,500. All costs associated with the remediation of dangerous buildings within Stanislaus County are funded through the use of the Dangerous Building Abatement Fund. 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 Dangerous Building Abatement fund has an available fund balance of \$132,552 as of June 30, 2014.

BOARD ACTION AS FOLLOWS:

No. 2014-380

On motion of Supervisor Monteith, Seconded by Supervisor Withrow  
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

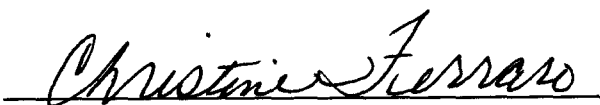
1) X Approved as recommended

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

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

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

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DISCUSSION:**

The property identified as 205 S. Santa Ana Avenue has been improved with a total of four separate buildings: Building #1 a duplex; Building #2 a duplex; Building # 3 an apartment; and Building #4 a cabin.

On June 28, 2013, the Stanislaus County Building Permits Division was notified by a constituent in regards to a burned building located at 205 S. Santa Ana Avenue. An inspection of the property was completed on July 15, 2013, and revealed that the roof and all the interior and exterior walls were destroyed and fire damaged of Building #2, a duplex. Staff found this structure to meet the standard of a Dangerous Building and posted to the structure a notice stating "DO NOT ENTER, UNSAFE TO OCCUPY".

A "Notice to Owner" letter was mailed on July 16, 2013, to the owners listed on the Assessor's records, Guadalupe Ramirez and Delores Ramirez. 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 August 2, 2013. No attempt to remove the substandard structure had been made at that time. A "Second Notice" was sent by certified mail on August 19, 2013, notifying the property owners that positive action must be taken to correct the unsafe and substandard conditions that exist on the property. It was noted within the letter that the Stanislaus County Building Permits Division will start legal action in order to abate the unsafe and substandard structure that exists on the said property. On August 26, 2013, the certified mail receipt from the "Second Notice" was signed and returned to the Building Permits Division indicating the letter was delivered to the owner's address and accepted.

Guadalupe Ramirez contacted staff on August 26, 2013, and stated his desire to keep the structure and repair the fire damaged areas. He adamantly disagreed with staff's decision to post the building and declare it a Dangerous Building. Mr. Ramirez made it known to staff that he believed the County of Stanislaus was in collaboration with E&J Gallo to destroy his property.

On September 23, 2013, the Building Permits Division received a report from the Modesto Regional Fire Authority (MRFA) which indicated a second structure, Building #3 the apartment, was damaged by a structure fire.

The owner of the property, or his representative, contacted staff on October 30, 2013, in regards to the proper procedures and specific requirements needed to obtain a Demolition Permit; however, a Demolition Permit was never obtained.

Approval to Adopt the Recommendations from the Nuisance Abatement Hearing Board Regarding Dangerous Building Case DNB2013-0004, Located at 205 S. Santa Ana Avenue, Modesto, California  
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Building Division Staff received an additional report on January 28, 2014, from MRFA indicating an additional structure, Building #1, the other duplex on the west end of the property, was completely destroyed by fire.

The final site investigation was completed on February 28, 2014. The owners have made no attempt to remove the substandard structure of Building #2. Building #1 has completely collapsed due to the severity of the fire and Building #3's roof structure has collapsed in addition to severe damage to the interior and exterior walls. Staff was unable to physically post the other structures due to the presence of vagrant inhabitants of the property.

A "Final Notice" was sent March 3, 2014, by certified mail notifying the owners if no attempt was made to correct the unsafe and substandard structures and clean the parcel of all trash and rubbish then it would become necessary for the Stanislaus County Building Permits Division to start legal action to do so. This letter was returned with a status of "Return to Sender. Unclaimed. Unable to Forward".

During the process of abatement a Lot Book Guarantee is secured in order to verify that the parcel owner information listed on the Assessor's Office data base is still current and accurate. The Lot Book Guarantee obtained from Stewart Title Company revealed an Individual Grant Deed in favor of Guadalupe Ramirez and Delores Ramirez, husband and wife as joint tenants, recorded on April 14, 1986, per Instrument 1986-0057979. No other Recorded Documents exists that indicate a sale of the property or any transfer of title or ownership.

On June 3, 2014, during the attempt to post the existing structures with a "Notice and Order to Abate", Building #4 the cabin, was found to be damaged by fire and was also considered a Dangerous Building at that time. The Stanislaus County Building Permits Division posted the structure of Building #2 with a "Notice and Order to Abate" for all structures on said property. Once again, staff was unable to post each individual structure due to the presence of vagrant inhabitants on the property. A "Notice and Order to Abate" was also sent to the owner listed on the Assessor's records by certified mail. Immediately following the posting, on June 4, 2014, the Stanislaus County Building Permits Division recorded a "Certificate of Existence of a Dangerous Building" with the Stanislaus County Clerk-Recorder's Office, Doc #2014-00035707-00.

A "Notice of Public Hearing" letter was sent to the owner listed on the Assessor's records, along with all parcel owners within 300 feet of this parcel on June 16, 2014. During the Nuisance Abatement Hearing Board meeting held on June 26, 2013, the parcel owner failed to be present at the public hearing. Several neighbors, residents and business owners local to the neighborhood were present at the public hearing and were in favor of staff's recommendation to remove the Dangerous Buildings.

The Nuisance Abatement Hearing Board supported staff's recommendation to abate the unsafe structures and forward the matter to the Board of Supervisors recommending approval (Attachment 1). The Board may adopt, modify, or reject the recommendations,

and if adopted, the property owner(s) will be required to abate the nuisance within two weeks of the Board's decision by complying with the requirements identified in Attachment 1. Should the owner(s) fail to comply, the Planning and Community Development Department, Building Permits Division, will contract through the approved methods and will conduct a forced clean-up by demolishing the unsafe structure; and removing and disposing of all debris, refuse, and rubbish to an approved off-site location.

The cost of the abatement will be charged to the property owner(s) and if the responsible person(s) fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

**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.

**CONTACT PERSONS:**

Steve Treat or Denny Ferreira, Department of Planning and Community Development  
Telephone: (209) 525-6557

**ATTACHMENTS:**

1. Nuisance Abatement Hearing Board Decision



## **NUISANCE ABATEMENT HEARING BOARD**

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### **DECISION**

#### **IN RE: 205 S SANTA ANA AVENUE Abatement Hearing No. DNB2013-0004**

The Nuisance Abatement Hearing Board heard the above-referenced matter on June 26, 2014. 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 205 S Santa Ana Avenue incorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 035-004-038, is zoned R-2 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.

The Nuisance Abatement Hearing Board further recommends the Board of Supervisors adopt the following decision:

- Approve Staff's recommendation and determine the use of the property described as a unlawful **vacant structures and an unlawful accumulation of debris, refuse and rubbish** in the staff report is a violation of Stanislaus County Code Chapter **2.92 and 2.93**.
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 use of the property described as a **205 S Santa Ana Avenue** in the staff report is not a violation of Stanislaus County Code Chapter **2.92**.

Dated: **June 26, 2014**

  
\_\_\_\_\_  
**Marc Etchebarne, Chair**  
**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on **July 15, 2014** 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 # DNB2013-0004

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**BUILDING INSPECTOR:**

Denny Ferreira

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

205 S Santa Ana Avenue  
Modesto, CA 95354  
APN #: 035-004-038

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

LOT 1 IN BLOCK 5 OF DEL ESTE SUBDIVISION, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON APRIL 14, 1914 IN VOLUME 8 OF MAPS, AT PAGE 12.

APN: 035-004-038

The parcel listed herein is located in a residential neighborhood currently zoned R-2 (Medium Density Residential) and has an estimated lot size of 0.26 acres. The corner parcel is physically located on the southwest corner at the intersection of Hyde Street and Santa Ana Avenue, in the Modesto area.

There is a total of four (4) structures which contain a total of six (6) separate habitable units on this parcel. In accordance to the Stanislaus County Assessors Record's The following is a detailed description of each structure on said parcel:

- Building #1:
  - Year Built: 1948
  - Area: 840 sq ft.
  - Building Type: Duplex
- Building #2:
  - Year Built: 1950
  - Area: 1,024 sq ft.
  - Building Type: Duplex

- Building #3:
  - Year Built: 1949
  - Area: 422 sq ft.
  - Building Type: Apartment
- Building #4
  - Year Built: 1920
  - Area: 530 sq ft.
  - Building Type: Cabin

**PROPERTY OWNER INFORMATION:**

Guadalupe Ramirez and Delores Ramirez are the owners of record according to the Stanislaus County Assessor's web site. The lot book guarantee obtained from Stewart Title Company indicated the record information is accurate.

**HISTORY AND CASE INFORMATION:**

**JUNE 28, 2013**

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

**JULY 15, 2013**

- An Inspection of the property was completed and structure's immediately posted. The roof, interior walls and exterior walls of Building #2, a duplex, are severely fire damaged. The other structures on the property noted above were not assessed as Dangerous Buildings at this time.
- The Building Permits Division completed an investigation and found that Building #2 meets the standard of a Dangerous Building and posted the structure "DO NOT ENTER, Unsafe to Occupy"

**JULY 16, 2013**

- A "Notice to Owner" letter was sent to the owner(s) listed on the assessor's records, Guadalupe Ramirez and Delores Ramirez. The letter notified the owner that Building #2 had been burned and severely fire damaged to the extent it is not repairable. The recommendation was made to demolish the remaining portion of the structure.

**AUGUST 2, 2013**

- Site Inspection performed. No attempt to remove the substandard building has been made to date.



### **AUGUST 19, 2013**

- A "Second Notice" was sent by certified mail notifying the property owner, Guadalupe Ramirez and Delores Ramirez, that positive action must be taken to correct the unsafe and substandard conditions within 30 days. It is noted within the letter that the Building Permits Division will re-inspect the parcel after 30 day period.

### **AUGUST 26, 2013**

- Certified mail receipt from the "Second Notice" was signed and returned to indicate that Guadalupe Ramirez and Delores Ramirez, the owner received and signed for the letter.
- Guadalupe Ramirez contacted staff and stated that his desire was to keep all the structures on his property and he did not think that demolition was required. Mr. Ramirez made it known to staff that he believed the County of Stanislaus was in collaboration with E&J Gallo to destroy his property.

### **SEPTEMBER 23, 2013**

- Building Division Staff received a report from the Modesto Regional Fire Authority that a second structure on the property, Building # 3 the Apartment, has been damaged by a fire.

### **OCTOBER 30, 2013**

- Building Division Staff was contacted in regards to a demolition permit and what was required to obtain a demolition permit for the property located at 205 S Santa Ana Avenue. Contact information was not obtained.

### **JANUARY 28, 2014**

- Building Division Staff received another report from the Modesto Regional Fire authority that an additional structure, Building 1 the Duplex, has been destroyed by a fire and has burned to the ground.

### **FEBRUARY 28, 2014**

- Site Inspection performed. No attempt to remove Building #2 has been made.
- The units previously damaged by fire were determined to be Dangerous Buildings.
  - Building #3 has a collapsed roof structure, interior walls and exterior walls are severely fire damaged.
  - Building #1 has completely collapsed due to the extent of the fire.

- Staff was unable to post these structures do to the presence of vagrant inhabitants on the property.

#### **MARCH 3, 2014**

- A "Final Notice" was sent by certified mail notifying the property owner, Guadalupe Ramirez and Delores Ramirez , stating positive action must be taken to correct the unsafe and substandard conditions by March 21, 2013. 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 structures that exists on said property.

#### **MARCH 28, 2014**

- The Stanislaus County Building Permits Division received the "Final Notice" letter with a status of "RETURN TO SENDER. UNCLAIMED. UNABLE TO FORWARD."

#### **MAY 5, 2014**

- Lot Book Guarantee was ordered from Stewart Title.

#### **May 13, 2014**

- Lot Book Guarantee received.

#### **JUNE 3, 2014**

- Site Inspection performed. No attempt to remove any of the substandard buildings had been made.
- Building #4, the cabin was found to be damaged by fire and has been considered a Dangerous Building due to the existing condition of the roof and interior walls.
- Staff was unable to post these structures do to the presence of vagrant inhabitants on the property.
- Posted the structure of Building #2 with a "Notice and Order to Abate" to include all structures and also sent a "Notice an Order to Abate" to the owner by Certified Mail.

#### **JUNE 4, 2014**

- The Stanislaus County Building Permits Division recorded a "Certificate of Existence of a Dangerous Building" with the Stanislaus County Clerk Recorder's Office. Doc #14-0035707-00

**ENFORCEMENT ACTION TAKEN:**

**JUNE 3, 2014**

- Posted "Notice and Order" on the structure of Building #2 for all structures on property, 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);

**JUNE 4, 2014**

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

**JUNE 16, 2013**

- 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 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: 06/26/2014  \_\_\_\_\_  
OFFICER

Approved: Denny Ferreira, Supervising Building Inspector