

**CITY OF MODESTO, CALIFORNIA**

Community and Economic Development Department  
Building Safety Division  
P.O. Box 642  
1010 Tenth Street, Suite 3100  
Modesto, California 95353



Telephone: (209) 577-5232  
Facsimile: (209) 571-5135  
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# **NOTICE OF PASSAGE OF RESOLUTION**

**MARCH 8, 2016**

**TO: KHOA D. LY  
NGUYEN LY  
232 EAST GRANGER AVENUE  
MODESTO, CA 95350**

**KHOA D. LY  
NGUYEN LY  
266 RACE STREET  
SAN JOSE, CA 95126**

**UNION BANK N.A.  
CONSUMER DOCUMENT FOLLOW-UP DEPARTMENT  
8248 MERCURY COURT, SUITE B (M-520)  
SAN DIEGO, CA 92111-1201**

**ANN THAI  
TU DO LE  
1735 CRANE RIDGE COURT  
SAN JOSE, CA 95121**

**VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**RE: THE ABANDONED PROPERTY WITH AN UNSECURED REAR  
GARAGE OCCUPIED BY TRANSIENTS AND A SINGLE-FAMILY  
DWELLING PARTIALLY DEMOLISHED FOLLOWING A FIRE ON  
THE PROPERTY LOCATED AT 232 EAST GRANGER, MODESTO,  
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT  
CASE NO. COD2015-70040**

PLEASE TAKE NOTICE that on February 25, 2016, the Board of Building Appeals of the City of Modesto conducted a hearing regarding the real property situated in the City of Modesto commonly referred to as 232 East Granger Avenue (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2016-04, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2016-04, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY IMMEDIATELY SECURING THE SITE WITH A SECURITY FENCE; SUBMIT A REPORT FROM A CALIFORNIA REGISTERED DESIGN PROFESSIONAL VERIFYING EXISTING FRAMING TO THE BUILDING SAFETY DIVISION BY MARCH 14, 2016; SUBMIT NEW PLANS INDICATING NEW SCOPE OF WORK FOR A REBUILD OF THE EXISTING STRUCTURE WHICH MUST COMPLY WITH 2013 CALIFORNIA RESIDENTIAL, ELECTRICAL, AND MECHANICAL CODES BY MARCH 14, 2016; ALL CONSTRUCTION AND FINAL INSPECTION MUST BE APPROVED BY THE BUILDING SAFETY DIVISION BY JUNE 30, 2016; FAILURE TO COMPLY WITH ANY OF THE ABOVE WILL RESULT IN SUMMARY ABATE ACTION TO REMOVE THE UNSAFE AND DANGEROUS CONDITIONS THAT EXIST ON THIS PROPERTY.**

**IF THE NUISANCE IS NOT ABATED, THE CITY OF MODESTO WILL PROCEED WITH ABATEMENT AND THE EXPENSE THEREOF MADE A LIEN ON THE LOT OR PARCEL LAND UPON WHICH SAID BUILDINGS ARE LOCATED.**

PLEASE TAKE FURTHER NOTICE that the owners of the premises or any other interested person having any objections, or feeling aggrieved at any proceeding taken by the City of Modesto in ordering abatement of the nuisance, must bring an action in a court of competent jurisdiction within thirty (30) days after the date of posting on the premises the Notice of Passage of the Resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution, otherwise all objections will be deemed to have been waived.

Dated: March 8, 2016

  
\_\_\_\_\_  
OSCAR DIAZ  
ACTING SECRETARY TO THE BOARD

OD:cp  
Attachment

cc: KHOA D. LY  
NGUYEN LY  
232 EAST GRANGER AVENUE  
MODESTO, CA 95350

KHOA D. LY  
NGUYEN LY  
266 RACE STREET  
SAN JOSE, CA 95126

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SAN JOSE, CA 95121

City Attorney  
William Crew, Chief Building Official  
Bert Lipper, Building Inspection Program Coordinator  
Chris Kemper, Neighborhood Preservation Supervisor  
File

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2016-04

A RESOLUTION DECLARING THE BUILDING LOCATED AT 232 EAST GRANGER A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Khoa D. Ly has title to and is the recorded owner of property located at 232 East Granger Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

WHEREAS, the premises at 232 East Granger consists of the abandoned property with an unsecured rear garage occupied by transients and a single-family dwelling partially demolished following a fire; and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Building Maintenance Code of the City of Modesto to enforce all provisions of the Code including authority to inspect any building or structure and order that any such building or structure determined under the Building Maintenance Code to be Unsafe and Unfit for Human Occupancy be declared a public nuisance and order the recorded owner to abate the nuisance conditions by demolition of the unsafe structures and the removal of the junk, trash, debris and weeds on the property; and

WHEREAS, inspection of the premises was conducted by City of Modesto Building Safety Division personnel on March 3, 2015; and

WHEREAS, a Notice and Order dated December 31, 2015, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and ordered the following: Note: This property, detached unsecured garage, and single-family dwelling identified as 232 East Granger Avenue have been deemed unsafe and a public nuisance by the Building Safety Division of the City of Modesto. If you intend to take the necessary actions to make your property safe you have only to do the following: You shall obtain a demolition permit from the Building Safety Division of the City of Modesto for the demolition of the detached garage and single-family dwelling within thirty (30) calendar days of the date of this Notice and Order. If you intend to take the necessary actions to make your single-family dwelling fit for occupancy and detached garage secure you have only to do the following: If you intend to bring the single-family dwelling into compliance with the Modesto Municipal Code, you are required within seven (7) calendar days of the date of this Notice and Order to contact William Crew, Chief Building Official of the City of Modesto, to schedule a meeting to state your intent to repair or demolish this structure; the enclosed intent to repair or demolish form is to be used for this purpose. Along with the completed form, please include a detailed schedule with dates for start of construction and progress dates. This schedule must be approved by the Building Official before this option will be considered. Following approval by the Chief Building Official of the construction schedule, you are required to meet the agreed upon dates for start of construction, progress dates, and final inspection approval by April 20, 2016. If you intend to do the above you are required to secure the detached garage in the rear yard within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated December 31, 2015, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on December 31, 2015, said Notice and Order of December 31, 2015, was mailed by certified mail, postage prepaid, return receipt requested to record owners and the holder of the deed of trust of record, pursuant to Article 12 of the Building Maintenance Code of the City of Modesto; and

WHEREAS, on December 31, 2015, said Notice and Order of December 31, 2015, was posted on the premises; and

WHEREAS, the owner(s) of said premises have failed to complete work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of the Building Maintenance Code of the City of Modesto; and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance; and

WHEREAS, pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 66, thirty (30) days after the posting of copies of this resolution, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building unless the nuisance is abated by the owner or the person interested within the thirty (30) day period or any extension thereof granted by the Board of Building Appeals as provided in Article 12 of the Building Maintenance Code. In the event that the nuisance is not abated within the time prescribed, the City of Modesto may thereupon raze and remove the premises or have the same done under its direction and supervision; and

WHEREAS, on February 12, 2016, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and posted on the property, pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Sections 58 and 60; and

WHEREAS, said "Notice to Abate Nuisance" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on February 25, 2016, at 4:00 p.m., in the Second Floor Conference Room 2005 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 232 East Granger Avenue; and

WHEREAS, a duly noticed public hearing of the Board was held at date, time, and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance and to consider other appropriate action to abate such nuisance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Appeals of the City of Modesto, that the following be ordered:

1. That the premises commonly referred to as 232 East Granger, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance and the Board affirms the Notice and Order dated December 31, 2015; and

- a) The owner is to immediately secure the site with a security fence; and
- b) Submit a report from a California registered design professional verifying existing framing to the building safety Division by March 14, 2016; and
- c) Submit new plans indicating new scope of work for a rebuild of the existing structure which must comply with 2013 California Residential, Electrical, Mechanical Codes by March 14, 2015; and
- d) All construction and final inspection must be approved by the Building Safety Division by June 30, 2016.
- e) Failure to comply with any of the above will result in summary abatement action to remove the unsafe and dangerous conditions that exist on the property.

BE IT FURTHER RESOLVED:

1. Thirty (30) days after the posting of copies of this resolution, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the buildings, unless the nuisance is abated by the owner or other person within the thirty (30) day period or any extension thereof granted by the Board of Building Appeals. In the event that the nuisance is not abated within the time prescribed, the City of Modesto may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.
2. In the event that the City of Modesto razes and removes the buildings so declared to constitute a nuisance or have the same done under its direction and supervision, the City of Modesto shall keep an itemized account of the expense involved in the razing or removing of any such buildings and shall deduct therefrom the amount received from the sale of any building materials pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68. The City of Modesto may proceed to recover its expenses in the razing or removing of any such buildings pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68 and Section 70.

BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a Notice of the Passage of this Resolution No. 2016-04, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2016-04, declaring a nuisance and directing abatement of the nuisance, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by certified mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the buildings are located as such person's name and address appear on the last equalized assessment roll, and (2) to each mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 58.

The foregoing matter was introduced at the regular meeting of the Board of Building Appeals of the City of Modesto held on the 25th day of February 2016, by Board Member, Richard Dalton, who moved its adoption, which motion being duly seconded by Board Member, Evan Yoshino, was upon roll call carried in the resolution adopted by the following vote:

Ayes: Dalton, Rodriguez, Wungluck, Yoshino  
Noes: None  
Absent: Reid

BY ORDER OF THE BOARD OF BUILDING APPEALS OF THE CITY OF  
MODESTO.

A handwritten signature in black ink, appearing to read 'EVAN YOSHINO', written over a horizontal line.

EVAN YOSHINO  
BOARD OF BUILDING APPEALS

1 **PROOF OF SERVICE - CCP §1013(a)(3)**

2  
3 I am employed in the County of Stanislaus, State of California. I am over the age of eighteen  
4 years and not a party to the within entitled cause; my business address is: 1010 10<sup>th</sup> Street, Modesto,  
California 95354.

5 On March 8, 2016, I served a copy of the BOARD OF BUILDING APPEALS RESOLUTION  
6 for 232 East Granger Avenue, Modesto, California; Assessor's Parcel No. 031-001-014; on all parties  
7 in said action by serving a true copy thereof as follows:

8 KHOA D. LY AND NGUYEN LY, 232 EAST GRANGER AVENUE, MODESTO, CA 95350

9 KHOA D. LY AND NGUYEN LY, 266 RACE STREET, SAN JOSE, CA 95126

10 UNION BANK N.A., CONSUMER DOCUMENT FOLLOW-UP DEPARTMENT, 8248 MERCURY  
COURT, SUITE B (M-520), SAN DIEGO, CA 92111-1201

11 ANN THAI AND TU DO LE, 1735 CRANE RIDGE COURT, SAN JOSE, CA 95121

12  
13 \_\_\_\_\_ **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to  
14 be placed in the United States Mail at Modesto, California. I am readily familiar with  
15 the office's practice for collection and processing of correspondence for mailing, and  
16 pursuant to those practices the envelope would be deposited with the United States  
Postal Service the same day.

17 \_\_\_\_\_ **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon  
18 fully prepaid to be placed in the United States Mail at Modesto, California. I am  
19 readily familiar with the office's practice for collection and processing of  
correspondence for mailing, and pursuant to those practices the envelope would be  
deposited with the United States Postal Service the same day.

20 \_\_\_\_\_ **BY PERSONAL SERVICE:** I caused the within document to be hand delivered to  
21 the parties herein at the addresses set forth above.

22 \_\_\_\_\_ **BY POSTING:** I posted such document on the front door/doors of the  
23 structure/structures of the address as indicated above.

24  
25 I declare under penalty of perjury under the laws of the State of California that the foregoing  
26 is true and correct. Executed this 8th day of March 2016, at Modesto, California.

27   
28 \_\_\_\_\_  
CARMEN PIÑA  
ADMINISTRATIVE OFFICE ASSISTANT III