

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
TDD: (209) 526-9211

NOTICE OF PASSAGE OF RESOLUTION

FEBRUARY 8, 2016

**TO: AMARPAL S. NARANG
ANJU NARANG
225 CAMPHOR AVENUE
FREMONT, CA 94539**

**UMPQUA BANK
SAN JOSE CBC
C/O LOAN SUPPORT SERVICES
PO BOX 1580
ROSEBURG, OR 97470**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE EXPIRATION OF BUILDING PERMIT NO. BLD2014-63918 TO
ENCLOSE THE BALCONIES AND PATIOS AND ADD WINDOWS AND
DOORS TO UNIT NOS. 1, 2, 3, 4, AND 8 OF THE APARTMENT
BUILDING ON THE PROPERTY KNOWN AS 1516 F STREET,
MODESTO, CALIFORNIA; CITY OF MODESTO CODE
ENFORCEMENT CASE NO. COD2014-60158**

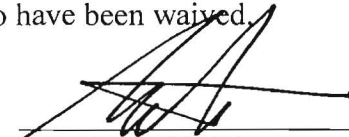
PLEASE TAKE NOTICE that on January 28, 2016, the Board of Building Appeals of the City of Modesto conducted a public hearing regarding the real property situated in the City of Modesto commonly referred to as 1516 F Street (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2016-01, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2016-01, THE BOARD AFFIRMS THE NOTICE AND ORDER DATED NOVEMBER 20, 2015, THE BOARD GRANTS THE OWNERS OF THE PREMISES A 30-DAY EXTENSION OF THE NOTICE AND ORDER, AND CIVIL PENALTIES FOR NON-COMPLIANCE ARE POSTPONED FOR THE DURATION OF THE EXTENSION. THE OWNERS ARE DIRECTED TO ABATE SUCH NUISANCE BY COMPLETING ALL WORK AND ENSURE PROPERTY IS IN COMPLIANCE BY OBTAINING FINAL INSPECTION APPROVAL WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

IF THE NUISANCE IS NOT ABATED WITHIN THE TIME GRANTED BY THE BOARD OF BUILDING APPEALS, CIVIL PENALTIES IN THE AMOUNT OF THIRTY-EIGHT THOUSAND DOLLARS (\$38,000.00) WILL IMMEDIATELY BE ASSESSED, NO FURTHER APPEALS SHALL BE GRANTED AND THE CITY WILL PROCEED WITH ADMINISTRATIVE 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: February 8, 2016



WILLIAM CREW
SECRETARY TO THE BOARD

WC:cp
Attachment

cc: AMARPAL S. NARANG
ANJU NARANG
225 CAMPHOR AVENUE
FREMONT, CA 94539

UMPQUA BANK
SAN JOSE CBC
C/O LOAN SUPPORT SERVICES
PO BOX 1580
ROSEBURG, OR 97470

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

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2016-01

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1516 F STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Amarpal S. Narang And Anju Narang have title to and are the recorded owners of the property located at 1516 F Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

WHEREAS, the premises at 1516 F Street consists of the expiration of Building Permit No. BLD2014-63918 to enclose the balconies and patios and add windows and doors to Unit Nos. 1, 2, 3, 4, and 8 of the apartment building; 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 the City of Modesto Building Safety Division personnel on September 18, 2014; and

WHEREAS, a Notice and Order dated November 20, 2015, was issued by the Chief Building Official and ordered the following: Contact the Building Safety Division of the City of Modesto and schedule a final inspection for the enclosure of the balconies and patios and for the installation of new doors and windows to dwelling unit Nos. 1, 2, 3, 4, and 8 within thirty (30) calendar days of the date of this Notice and Order; and you shall make any necessary repairs to correct any conditions found to be in violation during the final inspection requested above and obtain final approval from the Building Safety Division of the City of Modesto within thirty (30) calendar days of the date of this Notice and Order; and

WHEREAS, said Notice and Order dated November 20, 2015, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on November 20, 2015, said Notice and Order of November 20, 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 November 20, 2015, said Notice and Order of November 20, 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 January 15, 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 January 28, 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 1516 F Street; 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:

That the premises commonly referred to as 1516 F Street, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.

1. The Board affirms the Notice and Order dated November 20, 2015. The Board grants the owners of the premises a 30-day extension of the Notice and Order; civil penalties for non-compliance are postponed for the duration of the extension. The owners are directed to abate such nuisance by completing all work and ensure property is in compliance by obtaining final inspection approval within thirty (30) days of the date this notice is posted on the premises.
2. If the nuisance is not abated within the time granted by the Board, civil penalties in the amount of Thirty-Eight Thousand Dollars (\$38,000.00) will be immediately assessed and no further appeals shall be granted. The City will proceed with administrative abatement and the expense thereof made a lien on the lot or parcel land upon which said buildings are located.

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. 2016-01, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2016-01, 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 28th day of January 2016, by Board Member, Rick Reid, who moved its adoption, which motion being duly seconded by Board Member, Richard Dalton, was upon roll call carried in the resolution adopted by the following vote:

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

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



RICK REID
BOARD OF BUILDING APPEALS

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

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

5 On February 8, 2016, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for
6 1516 F Street, Modesto, California; Assessor's Parcel No. 106-009-021-000; on all parties in said
7 action by serving a true copy thereof as follows:

8 AMARPAL S. NARANG
9 ANJU NARANG
10 225 CAMPHOR AVENUE
11 FREMONT, CA 94539

12 UMPQUA BANK
13 SAN JOSE CBC
14 C/O LOAN SUPPORT SERVICES
15 PO BOX 1580
16 ROSEBURG, OR 97470

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

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

27 _____ **BY PERSONAL SERVICE:** I caused the within document to be hand delivered to
28 the parties herein at the addresses set forth above.

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

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

28 Carmen Piña
CARMEN PIÑA
ADMINISTRATIVE OFFICE ASSISTANT III