

**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**

**MARCH 8, 2016**

**TO: SCOOBY HOLDINGS  
2004 ZAIGER WAY  
MODESTO, CA 95350**

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

**RE: THE PATIO ENCLOSED TO CREATE HABITABLE LIVING SPACE  
AND THE REROOF OF THE SINGLE-FAMILY DWELLING WITHOUT  
THE REQUIRED BUILDING PERMITS AND INSPECTIONS AT  
2004 ZAIGER WAY, MODESTO, CALIFORNIA; CODE  
ENFORCEMENT CASE NO. COD2015-70075**

PLEASE TAKE NOTICE that on February 25, 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 2004 Zaiger Way (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2016-03, a true and correct copy of which is attached to this Notice.

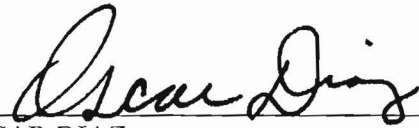
**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION  
NO. 2016-03, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE  
AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND  
DIRECTED TO ABATE SUCH NUISANCE BY OBTAINING FINAL  
INSPECTION APPROVAL BY APRIL 26, 2016.**

**IF THE NUISANCE IS NOT ABATED, CIVIL PENALTIES IN THE AMOUNT  
OF TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) WILL BE DUE  
AND SHALL CAUSE A CIVIL PENALTY HEARING TO BE SCHEDULED ON**

**MAY 26, 2016, 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: SCOOPY HOLDINGS  
2004 ZAIGER WAY  
MODESTO, CA 95350

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. 2016-03

A RESOLUTION DECLARING THE BUILDING LOCATED AT 2004 ZAIGER WAY A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS AND FINAL INSPECTION APPROVAL BY APRIL 26, 2016

WHEREAS, Scooby Holdings has title to and is the recorded owner of property located at 2004 Zaiger Way in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 2004 Zaiger Way consists of the patio enclosed to create habitable living space and the reroof of the single-family dwelling without the required building permits and inspections; 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 July 20, 2015; and

WHEREAS, a Notice and Order dated October 28, 2015, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and within seven (7) calendar days of the date of this Notice and Order you must contact Oscar Diaz, Plans Examiner of the Building Safety Division of the City of Modesto, and schedule an appointment with him for the purpose of finding out what information is needed from you to begin the permit process. Within seven (7) calendar days of the date of this Notice and Order, but following your appointment with Mr. Diaz, provide a written statement using the enclosed Intent to Repair or Demolish Form declaring your intent to comply with this Notice and Order by obtaining the required building permits from the Building Safety Division of the City of Modesto. You will be required to provide four (4) sets of floor plans for the enclosed patio and living rooms based on the information given by Mr. Diaz. These plans shall reflect the scope of work required to bring the current structure into compliance with the California Building, Electrical, Mechanical, and Plumbing Codes. All work required to bring your property into compliance with this order must be completed and you must obtain final approval from the Building Safety Division within sixty (60) calendar days of the date of this Notice and Order. If you choose not to obtain the required permits but want to remove the work done without permits, the work required to accomplish this must be completed and approved by the Building Safety Division within thirty (30) calendar days from the date of this Notice and Order.

WHEREAS, said Notice and Order dated October 28, 2015, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on October 28, 2015, said Notice and Order of October 28, 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 October 28, 2015, said Notice and Order of October 28, 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 2004 Zaiger Way; 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 2004 Zaiger Way, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.
  - a) The Board affirms the Notice and Order dated October 28, 2015, declaring the structure located at 2004 Zaiger Way unsafe; and
  - b) The final inspection approval must be granted by April 29, 2016; or
  - c) Civil penalties in the amount of Two Thousand Four Hundred Dollars (\$2,400.00) will be due, plus an additional Civil Penalty Hearing will be scheduled on May 26, 2016.

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. 2016-03, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2016-03, 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, Brad Wungluck, 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.



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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 2004 Zaiger Way, Modesto, California; Assessor's Parcel No. 054-053-022; on all parties in said  
7 action by serving a true copy thereof as follows:

8 SCOOPY HOLDINGS  
9 2004 ZAIGER WAY  
10 MODESTO, CA 95350

11  X

12 **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to  
13 be placed in the United States Mail at Modesto, California. I am readily familiar with  
14 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.

15  X

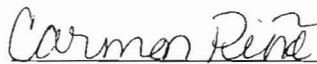
16 **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon  
17 fully prepaid to be placed in the United States Mail at Modesto, California. I am  
18 readily familiar with the office's practice for collection and processing of  
19 correspondence for mailing, and pursuant to 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 FACSIMILE:** I sent such document by way of facsimile to the offices of the  
23 addressee as indicated on the attached distribution list.

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

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

28 

CARMEN PIÑA  
ADMINISTRATIVE OFFICE ASSISTANT III