

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 5, 2019

**TO: JORGE BUSTOS
MARIA F. BUSTOS
5112 PIONEER ROAD
HUGHSON, CA 95326**

**ROBERT L. BRECKENRIDGE
C/O DALE DEBOER
P.O. BOX 1816
MODESTO, CA 95353**

**JORGE BUSTOS
27478 POPPY COURT
SANTA CLARITA, CA 91350**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE COMMERCIAL PROPERTY DESTROYED BY FIRE LOCATED AT
722 I STREET, MODESTO, CALIFORNIA; CITY OF MODESTO CODE
ENFORCEMENT CASE NO. COD2018-40158**

PLEASE TAKE NOTICE that on January 24, 2019, 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 722 I Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2019-03, a true and correct copy of which is attached to this Notice.

**THE BOARD AFFIRMS THE PROPERTY IS UNSAFE AND A PUBLIC
NUISANCE; THE BOARD AFFIRMS THE NOTICE AND ORDER DATED
OCTOBER 2, 2018.**

IF THE BUILDING WILL BE RECONSTRUCTED, THE BOARD AFFIRMS THAT IF THE PERIMETER WALLS ARE NOT BRACED PER AN ENGINEERED AND PERMITTED PLAN WITHIN SIXTY (60) DAYS, THE CIVIL PENALTIES IN THE AMOUNT EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$8,400) AS ORDERED IN THE NOTICE IN ORDER WILL BE MADE A PERSONAL OBLIGATION AND A LIEN WILL BE PLACED AGAINST THE PROPERTY AND OWNER.

THE BOARD AFFIRMS AND THE HEARING COSTS IN THE AMOUNT OF SIX-HUNDRED DOLLARS AND THIRTEEN CENTS (\$600.13) AND SHALL BE MADE A PERSONAL OBLIGATION AND A LIEN WILL BE PLACED AGAINST THE PROPERTY AND OWNER.

IF THE PERIMETER WALLS HAVE NOT BEEN BRACED PER AN ENGINEERED AND PERMITTED PLAN OR DEMOLISHED WITHIN SIXTY (60) DAYS, THE CITY OF MODESTO BOARD OF BUILDING APPEALS ORDERS THE CHIEF BUILDING OFFICIAL OF THE CITY OF MODESTO TO PROCEED WITH THE ADMINISTRATIVE ABATEMENT BY DEMOLISHING THE PERIMETER WALLS OF THE BUILDING AND THE EXPENSE THEREOF MADE A PERSONAL OBLIGATION AND A LIEN AGAINST THE PROPERTY.

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 5, 2019



OSCAR DIAZ
SECRETARY TO THE BOARD

OD:cp

Attachment

cc: JORGE BUSTOS
MARIA F. BUSTOS
5112 PIONEER ROAD
HUGHSON, CA 95326

ROBERT L. BRECKENRIDGE
C/O DALE DEBOER
P.O. BOX 1816
MODESTO, CA 95353

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27478 POPPY COURT
SANTA CLARITA, CA 91350

City Attorney
Oscar Diaz, Chief Building Official
Bert Lippert, Building Inspection Program Coordinator
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2019-03

A RESOLUTION DECLARING THE BUILDING LOCATED AT
722 I STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF
THE PROPERTY TO ABATE THE NUISANCE

WHEREAS, Jorge Bustos and Maria F. Bustos has title to and is the recorded owner of property located at 722 I Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 722 I Street consists of the commercial property destroyed by 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, a Notice and Order dated October 2, 2018, was issued by the Chief Building Official and ordered:

1. You shall obtain a demolition permit from the Building Safety Division of the City of Modesto for the demolition of the commercial structure within thirty (30) calendar days of the date of this Notice and Order; and
2. Physically commence the demolition of the commercial structure 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
3. If you intend to bring the commercial structure into compliance with the Modesto Municipal Code, you shall employ a licensed professional structural engineer to review the exterior unreinforced masonry brick walls, the structures foundation, and basement providing a report from the engineer to our office within thirty (30) calendar days from the date of this Notice and Order; and
4. If you intend to bring the commercial structures into compliance with the Modesto Municipal Code, you are required to contact Oscar Diaz, Chief Building Official of the City of Modesto, to schedule a meeting to state your intent to repair or demolish the commercial structure along with a completed form that details the dates for start of construction or demolition and progress dates within thirty (30) calendar days from the date of this Notice and Order. This schedule must be approved by the Building Official before this option will be considered; and
5. Following approval by the Chief Building Official of the construction schedule, you are required to meet the agreed upon dates for start of construction or demolition, progress dates, and final inspection approval; and

6. If required by the engineer's report you shall immediately provide temporary bracing until the commercial structure is demolished or new construction has sufficiently provided stability to the exterior walls; and
7. If you intend not to bring or do intend to bring the commercial structure into compliance with the Modesto Municipal Code, you are required to maintain the securement of all points of entry or any open access point to prevent unauthorized entry; and
8. Post the property with NO TRESPASSING signage that cites Section 602 of the California Penal Code within thirty (30) calendar days of the date of the Notice and Order; and
9. Complete and return the enclosed Modesto Police Department Authority to Arrest Form within thirty (30) calendar days of the date of the Notice and Order.

YOU ARE FURTHER NOTIFIED that, if any work which is required in order to satisfy this Order has not been completed within the time specified above, the Building Safety Division of the City of Modesto may proceed to cause the property to be secured and all violations abated by City personnel or a private contractor. When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Building Safety Division. The Building Safety Division shall schedule a confirmation of costs hearing before an Administrative Hearing Officer or the Board of Building Appeals unless waived in writing by all responsible parties. All administrative and actual costs incurred by the City in abating the violations may be assessed and recovered against the responsible party pursuant to the provisions set forth in Sections 1-6.303 and 1-6.701 of the Modesto Municipal Code; and

WHEREAS, said Notice and Order dated October 2, 2018, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on October 2, 2018, said Notice and Order of October 2, 2018, 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 2, 2018, said Notice and Order of October 2, 2018, 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 14, 2019, a "Notice of Civil Penalty Hearing" 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 of Civil Penalty Hearing" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on January 24, 2019, at 4:00 p.m., in the Second Floor Conference Room 2008 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 722 I 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:

THE BOARD AFFIRMS THE PROPERTY IS UNSAFE AND A PUBLIC NUISANCE; THE BOARD AFFIRMS THE NOTICE AND ORDER DATED OCTOBER 2, 2018.

IF THE BUILDING WILL BE RECONSTRUCTED, THE BOARD AFFIRMS THAT IF THE PERIMETER WALLS ARE NOT BRACED PER AN ENGINEERED AND PERMITTED PLAN WITHIN SIXTY (60) DAYS, THE CIVIL PENALTIES IN THE AMOUNT EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$8,400) AS ORDERED IN THE NOTICE IN ORDER WILL BE MADE A PERSONAL OBLIGATION AND A LIEN WILL BE PLACED AGAINST THE PROPERTY AND OWNER.

THE BOARD AFFIRMS THE HEARING COSTS IN THE AMOUNT OF SIX-HUNDRED DOLLARS AND THIRTEEN CENTS (\$600.13) AND SHALL BE MADE A PERSONAL OBLIGATION AND A LIEN WILL BE PLACED AGAINST THE PROPERTY AND OWNER.

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(RESOLUTION NO. 2019-03)

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. 2019-03, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2019-03, 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.

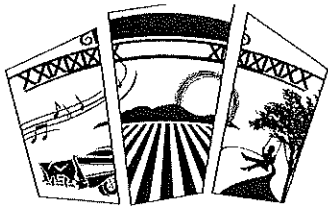
The foregoing matter was introduced at the regular meeting of the Board of Building Appeals of the City of Modesto held on the 24th day of January 2019, by Board Member, Evan Yoshino, who moved its adoption, which motion being duly seconded by Board Member, Richard Dalton, was upon roll call carried in the resolution adopted by the following vote:

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

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



RICK REID
BOARD OF BUILDING APPEALS



CITY OF
MODESTO
CALIFORNIA

INVOICE

CITY OF MODESTO
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
BUILDING SAFETY & NEIGHBORHOOD PRESERVATION DIVISION
1010 Tenth Street, Suite 3100 • Modesto, CA • 95354
Mailing Address: P.O. Box 3441 • Modesto, CA • 95353
209.577.5232 / fax 209.571.5135

TO: JORGE AND MARIA F. BUSTOS
5112 PIONEER RD
HUGHSON, CA 95326

INVOICE NO: 98303
DATE: 2/05/19

CUSTOMER NO: 16097/221887

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS 1/24/19 BOARD OF BUILDING APPEALS HEARING FOR 722 I STREET; COD2018-40158 HEARING COSTS ORDERED BY BBA RESOLUTION NO. 2019-03	600.13	600.13

PAY ONLINE AT MODESTOGOV.COM

TOTAL DUE: \$600.13

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 2/05/19 DUE DATE: 2/15/19
CUSTOMER NO: 16097/221887

NAME: BUSTOS, JORGE AND MARIA F.
TYPE: NP - NEIGHBORHD PRESERVATN

REMIT AND MAKE CHECK PAYABLE TO:
CITY OF MODESTO
PO BOX 3441
1010 TENTH STREET
MODESTO CA 95353

INVOICE NO: 98303
TERMS: NET 10 DAYS

AMOUNT: \$600.13

14210



CITY OF
MODESTO
CALIFORNIA

P.O. Box 642, Modesto, CA 95353

RETURN SERVICE REQUESTED



7013 2250 0002 0267 9783

neopostSM
02/05/2019

FIRST-CLASS MAIL

US POSTAGE \$006.95⁰



ZIP 95354
041M12252487

COD2018-40158
ROBERT L. BRECKENRIDGE
C/O DALE DEBOER
PO BOX 1816
MODESTO CA 95353

BCNO
RETURN TO

NIXIE 957 SE 1 0202/12/19

RETURN TO SENDER
VACANT
UNABLE TO FORWARD

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BC: 95353064242 *0241-03368-05-44



14210



CITY OF
MODESTO
CALIFORNIA

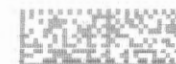
P.O. Box 642, Modesto, CA 95353

RETURN SERVICE REQUESTED

neopostSM
02/05/2019

FIRST-CLASS MAIL

US POSTAGE \$000.50⁰



ZIP 95354
041M12252487

COD2018-40158
ROBERT L. BRECKENRIDGE
C/O DALE DEBOER
PO BOX 1816
MODESTO CA 95353

NIXIE 957 SE 1 0202/12/19

RETURN TO SENDER
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