

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

TDD: (209) 526-9211

NOTICE OF PASSAGE OF RESOLUTION

AUGUST 6, 2019

**TO: CORTEZ ESTATES LLC
C/O HERNAN CORTEZ
17021 FIGUEROA STREET
GARDENA, CA 90248-3018**

**SCC PALLETS INC.
PO BOX 3927
MODESTO, CA 95352-3927**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: THE COMMERCIAL PROPERTY NOT MAINTAINED TO THE APPROVED CITY OF MODESTO DEVELOPMENT STANDARDS AND THE UNPERMITTED ADDITION OF MORE THAN 720 SQUARE FEET OF WORK SHEDS WITH UNPERMITTED ELECTRICAL WORK, LOCATED AT THE PROPERTY KNOWN AS 1737 RELIANCE STREET, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2019-50096

PLEASE TAKE NOTICE that on July 25, 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 1737 Reliance Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2019-11, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2019-11, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE BOARD UPHOLDS THE NOTICE AND ORDER AS OUTLINED WITH THE EXPECEPTION THAT THE ABATEMENT AND CORRECTIONS

BE MADE WITHIN NO MORE THAN 15 DAYS OF THE DATE OF THIS RESOLUTION. IF THE CORRECTIONS NUMBERS 1-8, AS LISTED IN THE NOTICE AND ORDER HAVE NOT BEEN MADE WITHIN THE FIFTEEN (15) CALENDAR DAYS, THE CITY IS AUTHORIZED TO REMOVE ANY UNPERMITTED BUILDINGS OR STRUCTURES. THE BOARD HOLDS THE CIVIL PENALTIES IN ABEYANCE; CIVIL PENALTIES WILL CONTINUE TO ACCRUE UNTIL ALL WORK IS COMPLETE; THIS ITEM WILL BE BROUGHT BACK IN 30 DAYS.

IF THE NUISANCE IS NOT ABATED, AS DIRECTED IN SAID NOTICE AND ORDER DATED MAY 23, 2019 ABATEMENT BY THE CITY OF MODESTO SHALL PROCEED 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) calendar 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: August 6, 2019



OSCAR DIAZ
SECRETARY TO THE BOARD

OD:mfo
Attachment

cc: **CORTEZ ESTATES LLC
C/O HERNAN CORTEZ
17021 FIGUEROA STREET
GARDENA, CA 90248-3018**

**SCC PALLETS INC.
PO BOX 3927
MODESTO, CA 95352-3927**

City Attorney
Oscar Diaz, Chief Building Official
Chris Kemper, NPU Supervisor
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2019-11

A RESOLUTION DECLARING THE BUILDING LOCATED AT 1737 RELIANCE STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN FIFTEEN (15) CALENDAR DAYS

WHEREAS, Cortez Estates LLC c/o Hernan Cortez has title to and is the recorded owner of property located at 1737 Reliance Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

WHEREAS, the premises at 1737 Reliance Street consists of the commercial property not maintained to the approved City of Modesto development standards and the unpermitted addition of more than 720 square feet of work sheds with unpermitted electrical work; 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 May 20, 2019; and

WHEREAS, a Notice and Order dated May 23, 2019, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and

1. Remove all attached wood framed additions to the originally permitted 12x40 freestanding metal framed shed work area within thirty (30) calendar days of the date of this Notice and Order; and
2. Remove all unpermitted electrical work added to the unpermitted wood framed additions made to the originally permitted 12x40 freestanding metal framed shed work area within thirty (30) calendar days of the date of this Notice and Order; and
3. Remove the attached wood framed structure constructed without permits over the now missing four (4) required onsite parking spaces between the office building and originally permitted 12x40 freestanding metal framed shed work area within thirty (30) calendar days of the Notice and Order; and
4. Restore by repainting the missing striping for the four (4) required parking spaces, including the handicapped parking space, to the originally approved measurements and specifications between the office building and originally permitted 12x40 freestanding metal framed shed work area within thirty (30) calendar days of the date of this Notice and Order; and

5. Restore the property landscaping to the original standards approved at the time of development and specified in Appendix B which is attached hereto, and incorporated into the text of this document as if it were fully set forth herein, including the restoration of the lawn area outside the gates between the fence and sidewalk within thirty (30) calendar days of the date of this Notice and Order; and
6. Cease parking vehicles on unimproved surfaces outside the fenced area of the property within thirty (30) calendar days of the date of this Notice and Order; and
7. Remove and properly dispose of all junk, debris, tires and vehicle parts littering the property inside and outside of the property fence line within thirty (30) calendar days of the date of this Notice and Order; and
8. Maintain the property in a safe and clean state, free of nuisance conditions for the next twelve (12) month period following this Notice and Order; and

WHEREAS, said Notice and Order dated May 23, 2019, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on May 23, 2019, said Notice and Order of May 23, 2019, 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 May 23, 2019, said Notice and Order of May 23, 2019, 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 July 15, 2019, a "Notice of Board of Building Appeals 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 Board of Building Appeals Civil Penalty Hearing" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on July 25, 2019, at 4:00 p.m., in the Basement Floor Conference Room B300 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 1737 Reliance 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 property located at 1737 Reliance Street hereinafter referred to as the premises is declared a public nuisance; and **PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2019-11, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE BOARD UPHOLDS THE NOTICE AND ORDER AS OUTLINED WITH THE EXCEPTION THAT THE ABATEMENT AND CORRECTIONS BE MADE WITHIN NO MORE THAN 15 DAYS OF THE DATE OF THIS RESOLUTION. IF THE CORRECTIONS NUMBERS 1-8, AS LISTED IN THE NOTICE AND ORDER HAVE NOT BEEN MADE WITHIN THE FIFTEEN (15) CALENDAR DAYS, THE CITY IS AUTHORIZED TO REMOVE ANY UNPERMITTED BUILDINGS OR STRUCTURES. THE BOARD HOLDS THE CIVIL PENALTIES IN ABEYANCE; CIVIL PENALTIES WILL CONTINUE TO ACCRUE UNTIL ALL WORK IS COMPLETE; THIS ITEM WILL BE BROUGHT BACK IN 30 DAYS.**

IF THE NUISANCE IS NOT ABATED, AS DIRECTED IN SAID NOTICE AND ORDER DATED MAY 23, 2019 ABATEMENT BY THE CITY OF MODESTO SHALL PROCEED AND THE EXPENSE THEREOF MADE A LIEN ON THE LOT OR PARCEL LAND UPON WHICH SAID BUILDINGS ARE LOCATED

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. 2019-11, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within fifteen (30) calendar days after passage of this Resolution No. 2019-11, 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 July 2019, by Board Member, Brad Wungluck, who moved its adoption, which motion being duly seconded

Member, Brad Wungluck, 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: Bergman, Wungluck, Yoshino, Reid
Noes: None
Absent: Dalton

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



RICK REID
BOARD OF BUILDING APPEALS

PROOF OF SERVICE - CCP §1013(a)(3)

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

On August 6, 2019, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for 1737 Reliance St, Modesto, California, Assessor's Parcel No. 086012055, on all parties in said action by serving a true copy thereof as follows:

**TO: CORTEZ ESTATES LLC
17021 S FIGUEROA STREET
GARDENA, CA 90248-3018**

**SCC PALLETS INC.
P.O. BOX 3927
MODESTO, CA 95352-3927**

 X **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to - 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.

 X **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to be placed in the United States Mail at Modesto, California. I am 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.

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I executed this 6th day of August 2019, at Modesto, California.



Carmen Pifia,
Administrative Office Assistant III

COD2019-50096