

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**

AUGUST 6, 2019

**TO: RYAN ROTH
418 14TH STREET
MODESTO, CA 95354**

**J WONG HOLDINGS LLC
1616 12TH AVE
SAN FRANCISCO, CA 94122**

**BAC COMMUNITY BANK
C/O BAC LENDING DEPARTMENT
PO BOX 1140
STOCKTON, CA 95201**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE CHANGE OF OCCUPANCY OF THE SINGLE-FAMILY DWELLING
FROM RESIDENTIAL TO COMMERCIAL OFFICE WITHOUT THE
REQUIRED PERMITS AND INSPECTIONS AT 418 14TH STREET,
MODESTO, CALIFORNIA; CITY OF MODESTO CODE
ENFORCEMENT CASE NO. COD2018-40074**

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 418 14th Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2019-12, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2019-12, THE BOARD UPHOLDS THE ADMINISTRATIVE COSTS IN THE AMOUNT OF EIGHT HUNDRED THIRTEEN DOLLARS AND NINETY-FOUR CENTS (\$813.94) AND THE CIVIL PENALTIES IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) WILL BE HELD IN ABEYANCE. THE BOARD GRANTS THE PROPERTY OWNER THIRTY (30) CALENDAR DAYS TO OBTAIN THE BUILDING PERMIT AND SIXTY (60) CALENDAR DAYS TO COMPLETE ALL WORK. THE OWNER SHALL BE IN COMMUNICATION WITH THE CITY OF MODESTO FOR STATUS OF THE PROJECT.

IF THE PROPERTY OWNER FAILS TO ABATE THE NUISANCE CONDITIONS AS ORDERED WITHIN THIRTY (30) CALENDAR DAYS FROM THE POSTING OF COPIES OF THE RESOLUTION, THE CITY OF MODESTO SHALL BE DEEMED TO HAVE ACQUIRED JURISDICTION TO ABATE SUCH NUISANCE AND THE EXPENSE THEREOF MADE A PERSONAL OBLIGATION AND A LIEN AGAINST THE OWNER AND 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: August 6, 2019



OSCAR DIAZ
SECRETARY TO THE BOARD

OD:cp
Attachment

cc: RYAN ROTH
418 14TH STREET
MODESTO, CA 95354

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

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2019-12

A RESOLUTION DECLARING THE BUILDING LOCATED AT 418 14TH STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, JWong Holdings LLC have title to and is the recorded owner of the property located at 418 14th Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

WHEREAS, the premises at 418 14th Street consists of the change of occupancy of the single-family dwelling from residential to commercial office without the required 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 April 26, 2018; and

WHEREAS, a Notice and Order dated November 28, 2018, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and the following was ordered: **Within seven (7) calendar days of the date of this Notice and Order contact Oscar Diaz, Chief Building Official of the City of Modesto, to schedule a meeting to discuss your options for the change of occupancy of the single-family dwelling from residential to commercial office. 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 for the change of occupancy of the single-family dwelling from residential to commercial office space. Along with the completed form, please include a detailed schedule with dates for application and plan submittal, anticipated permit issuance, start of construction, and progress dates for framing, drywall, and completion. If you chose to demolish the converted area you shall obtain a demolition permit from the Building Safety Division of the City of Modesto and physically commence the demolition within thirty (30) calendar days of the date of this Notice and Order. These dates will be used to track progress and establish civil penalties, if necessary, as noted below. All required work shall be to the current California Building, Electrical, Mechanical and Plumbing Codes.**

WHEREAS, said Notice and Order dated November 28, 2018, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on November 28, 2018, said Notice and Order of November 28, 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 November 28, 2018, said Notice and Order of November 28, 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 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 418 14th 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 418 14th Street hereinafter referred to as the premises is declared a public nuisance; and

BE IT FURTHER RESOLVED that pursuant to Resolution No. 2019-12, the Board upholds the administrative costs in the amount of Eight Hundred Thirteen Dollars and Ninety-Four Cents (\$813.94) and civil penalties in the amount of One Thousand Dollars (\$1,000.00) will be held in abeyance. The Board grants the property owner thirty (30) calendar days to obtain the building permit and sixty (60) calendar days to complete

all work. The owner shall maintain communication with the City of Modesto for status of the project.

If the property owner fails to abate the nuisance conditions as ordered within thirty (30) calendar days from the posting of copies of the resolution, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance and the expense thereof made a personal obligation and a lien against the owner and property.

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. 2019-12, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2019-12, 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, Evan Yoshino, who moved its adoption, which motion being duly seconded by Board Member, Rick Reid, 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 418 14th Street, Modesto, California, Assessor's Parcel No. 106011012, on all parties in said action by serving a true copy thereof as follows:

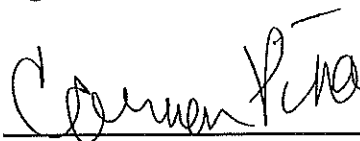
**TO: RYAN ROTH
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- X **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to - the office's practice for collection and processing of correspondence for mailing, and pursuant to those practices the envelope would be deposited 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

