

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

March 10, 2023

**TO: JOSE DE JESUS BLANCO
BRENDA R BLANCO
1434 OAKWOOD DRIVE
MODESTO, CA 95350**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE CONVERSION OF A GARAGE TO LIVING SPACE WITHOUT THE
REQUIRED PERMITS AND INSPECTIONS AT 1434 OAKWOOD DRIVE
MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT
CASE NO. COD2022-00947**

PLEASE TAKE NOTICE that on February 23, 2023, 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 1434 Oakwood Drive (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2023-01 a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2023-01, THE BOARD MODIFIES THE NOTICE AND ORDER DATED OCTOBER 18, 2022, HOLDING THE CIVIL PENALTIES IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) IN ABEYANCE. IF THE PERMIT IS ISSUED WITHIN THIRTY (30) CALENDAR DAYS AND A FINAL INSPECTION IS OBTAINED WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS, THE CIVIL PENALTIES SHALL BE REDUCED TO TWO THOUSAND DOLLARS (\$2,000.00). IF THE PERMIT IS NOT ISSUED WITHIN THIRTY (30) CALENDAR DAYS OR A FINAL INSPECTION IS NOT OBTAINED WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS, THE FULL CIVIL PENALTIES WILL BECOME DUE AND MADE A LIEN AND SPECIAL

ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 1434 OAKWOOD DRIVE, MODESTO, CA ASSESSOR'S PARCEL NO. 117-020-039. THE BOARD APPROVES THE CITY'S HEARING COSTS IN THE AMOUNT OF FOUR HUNDRED FORTY EIGHT DOLLARS AND TWO CENTS (\$448.02). IF THE HEARING COSTS ARE NOT PAID WITHIN THIRTY (30) CALENDAR DAYS OF THE INVOICE DATE, THE AMOUNT SHALL SHOW AS A LIEN AND SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 1434 OAKWOOD DRIVE.

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 10, 2023


OSCAR DIAZ
SECRETARY TO THE BOARD

OD:kk
Attachment

Enclosure: City of Modesto Invoice

cc:

**JOSE DE JESUS BLANCO
BRENDA R BLANCO
1434 OAKWOOD DRIVE
MODESTO, CA 95350**

City Attorney
Oscar Diaz, Chief Building Official
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2023-01

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2023-01, THE BOARD MODIFIES THE NOTICE AND ORDER DATED OCTOBER 18, 2022, HOLDING THE CIVIL PENALTIES IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) IN ABEYANCE. IF THE PERMIT IS ISSUED WITHIN THIRTY (30) CALENDAR DAYS AND A FINAL INSPECTION IS OBTAINED WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS, THE CIVIL PENALTIES SHALL BE REDUCED TO TWO THOUSAND DOLLARS (\$2,000.00). IF THE PERMIT IS NOT ISSUED WITHIN THIRTY (30) CALENDAR DAYS OR A FINAL INSPECTION IS NOT OBTAINED

WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS, THE FULL CIVIL PENALTIES WILL BECOME DUE AND MADE A LIEN AND SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 1434 OAKWOOD DRIVE, MODESTO, CA ASSESSOR'S PARCEL NO. 117-020-039. THE BOARD APPROVES THE CITY'S HEARING COSTS IN THE AMOUNT OF FOUR HUNDRED FOURTY EIGHT DOLLARS AND TWO CENTS (\$448.02). IF THE HEARING COSTS ARE NOT PAID WITHIN THIRTY (30) CALENDAR DAYS OF THE INVOICE DATE, THE AMOUNT SHALL SHOW AS A LIEN AND SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 1434 OAKWOOD DRIVE.

WHEREAS, Jose De Jesus Blanco and Brenda R Blanco have title to and are the recorded owners of property located at 1434 Oakwood Drive in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 1434 Oakwood Drive consists of the conversion of a garage to living space 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

WHEREAS, inspection of the premises was conducted by City of Modesto Building Safety Division personnel on June 8, 2022; and

WHEREAS, a Notice and Order dated October 18, 2022, was issued by the Chief Building Official and ordered to: correct the violations by taking the following affirmative action: 1.Contact the City of Modesto Building Safety Division, submit plans and supporting documents drawn by a licensed California design professional, pay appropriate fees, and obtain all required permits and approvals to make corrections to the subject structure within thirty (30) calendar days of the date of this Notice and Order; and 2.Upon the issuance of permits from the City of Modesto Building Safety Division, complete all work for which permits are required and obtain final approval from the Building Safety Division within sixty (60) calendar days of the Notice and Order. If you have any questions regarding this Notice and Order, please contact Oscar Diaz, Chief Building Official at 209-571-5885.; and

WHEREAS, said Notice and Order dated October 18, 2022, gave notice that the premises were found to be deemed unsafe and a public nuisance; and

WHEREAS, on October 18, 2022 said Notice and Order of October 18, 2022, 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 18, 2022, said Notice and Order of October 18, 2022, 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 constitute 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 13, 2023, 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 February 23, 2023, at 4:00 p.m., in the Basement Level Room B300–Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 1434 Oakwood Drive; 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:

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2023-01, THE BOARD MODIFIES THE NOTICE AND ORDER DATED OCTOBER 18, 2022, HOLDING THE CIVIL PENALTIES IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) IN ABEYANCE. IF THE PERMIT IS ISSUED WITHIN THIRTY (30) CALENDAR DAYS AND A FINAL INSPECTION IS OBTAINED WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS, THE CIVIL PENALTIES SHALL BE REDUCED TO TWO THOUSAND DOLLARS (\$2,000.00). IF THE PERMIT IS NOT ISSUED WITHIN THIRTY (30) CALENDAR DAYS OR A FINAL INSPECTION IS NOT OBTAINED WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS, THE FULL CIVIL PENALTIES WILL BECOME DUE AND MADE A LIEN AND SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 1434 OAKWOOD DRIVE, MODESTO, CA ASSESSOR’S PARCEL NO. 117-020-039. THE BOARD APPROVES THE CITY’S HEARING COSTS IN THE AMOUNT OF FOUR HUNDRED FOURTY EIGHT DOLLARS AND TWO CENTS (\$448.02). IF

THE HEARING COSTS ARE NOT PAID WITHIN THIRTY (30) CALENDAR DAYS OF THE INVOICE DATE, THE AMOUNT SHALL SHOW AS A LIEN AND SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 1434 OAKWOOD DRIVE.

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. 2023-01, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) Calendar days after passage of this Resolution No. 2023-01, 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 23rd day of February 2023, by Board Member, Savannah Williams who moved its adoption, which motion being duly seconded by Board Member, Sebastian Jones, was upon roll call carried unanimously in the resolution adopted by the following vote:

Ayes: Williams, Jones, Kishore, Bergman
Noes: None.

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



JOHN BERGMAN
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 • 95358
 Mailing Address: P.O. Box 3441 • Modesto, CA • 95353
 209.577.5232 / fax 209.571.5135

TO: JOSE DE JESUS & BRENDA BLANCO
 1434 OAKWOOD DRIVE
 MODESTO, CA 95350

INVOICE NO: 136024
 DATE: 3/09/23

CUSTOMER NO: 67077/67077

TYPE: NP - NEIGHBORHOOD PRESERVATION

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS ADMINISTRATIVE COSTS 02/23/2023 BBA CIVIL PENALTY HEARING - RESO.NO. 2023-01 RE: 1434 OAKWOOD DRIVE CODE ENFORCEMENT CASE NO. 2022-00947	448.02	448.02

PAY ONLINE AT MODESTOGOV.COM OR CALL 209-577-5303

TOTAL DUE: \$448.02

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 3/09/23 DUE DATE: 4/10/23
 CUSTOMER NO: 67077/67077

NAME: BLANCO, JOSE DE JESUS & BRENDA
 TYPE: NP - NEIGHBORHOOD PRESERVATION

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

INVOICE NO: 136024
 TERMS: NET 30 DAYS

AMOUNT: \$448.02

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 10th Street, Modesto,
California 95354.

5 On March 10, 2023 I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for
6 1434 Oakwood Drive, Modesto, California; Assessor's Parcel No. 117020039; on all parties in said
7 action by serving a true copy thereof as follows:

8 JOSE DE JESUS BLANCO
9 BRENDA BLANCO
10 1434 OAKWOOD DRIVE
11 MODESTO, CA 95350

12 X

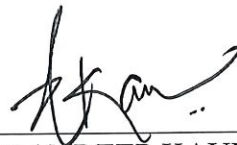
13 **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to
14 be placed in the United States Mail at Modesto, California. I am readily familiar with
the office's practice for collection and processing of correspondence for mailing, and
pursuant to those practices the envelope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

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
20 deposited with the United States Postal Service the same day.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct. Executed this 10th day of March, 2023 at Modesto, California.

23
24 COD2022-00947



25 _____
26 KIRANDEEP KAUR
27 ADMINISTRATIVE OFFICE ASSISTANT III
28