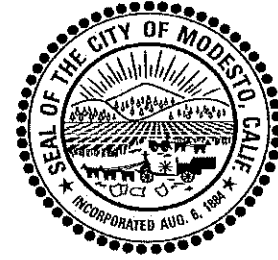


**CITY OF MODESTO, CALIFORNIA**

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 29, 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 August 22, 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”) an update from the July 25, 2019, meeting. Following the public hearing, the Board adopted Resolution No. 2019-15, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2019-15, THE PROPERTY IS CURRENTLY IN COMPLIANCE. THE CIVIL PENALTIES ARE HELD IN ABEYANCE FOR ONE YEAR; AT THE**

**END OF THE ONE YEAR MONITORING PERIOD IF THE PROPERTY REMAINS IN COMPLIANCE THE CIVIL PENALTIES SHALL BE DISMISSED.**

**THE BOARD ASSESSES THE ADMINISTRATIVE FEE IN THE AMOUNT OF FIVE HUNDRED FORTY-SEVEN DOLLARS AND FORTY-EIGHT CENTS (\$547.48) AND MADE A PERSONAL OBLIGATION AGAINST THE OWNER AND PROPERTY.**

**IF THE PROPERTY IS NOT KEPT IN COMPLIANCE DURING THE ONE YEAR MONITORING PERIOD THE CITY SHALL THEN PROCEED WITH AN ADMINISTRATIVE ABATEMENT AND THE CIVIL PENALTIES WILL BE ASSESSED 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 29, 2019



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OSCAR DIAZ  
SECRETARY TO THE BOARD

OD:cp  
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. 2019-15

A RESOLUTION REGARDING THE BUILDING LOCATED AT  
1737 RELIANCE STREET

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, 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, on July 25, 2019, 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")

WHEREAS, the Board Of Building Appeals adopted Board Of Building Appeals 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.

WHEREAS, on August 22, 2019, the Board of Building Appeals of the City of Modesto conducted a public hearing (update to the July 25, 2019) regarding the real property situated in the City of Modesto commonly referred to as 1737 Reliance Street (hereinafter referred to collectively as the "premises")

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 and **PURSUANT TO RESOLUTION NO. 2019-15, THE PROPERTY IS CURRENTLY IN COMPLIANCE. THE CIVIL PENALTIES ARE HELD IN ABEYANCE FOR ONE YEAR; AT THE END OF THE ONE YEAR MONITORING PERIOD IF THE PROPERTY REMAINS IN COMPLIANCE THE CIVIL PENALTIES SHALL BE DISMISSED.**

**THE BOARD ASSESSES THE ADMINISTRATIVE FEE IN THE AMOUNT OF FIVE HUNDRED FORTY-SEVEN DOLLARS AND FORTY-EIGHT CENTS (\$547.48) AND MADE A PERSONAL OBLIGATION AGAINST THE OWNER AND PROPERTY.**

**IF THE PROPERTY IS NOT KEPT IN COMPLIANCE DURING THE ONE YEAR MONITORING PERIOD THE CITY SHALL THEN PROCEED WITH AN ADMINISTRATIVE ABATEMENT AND THE CIVIL PENALTIES WILL BE ASSESSED 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. 2019-15.

The foregoing matter was introduced at the regular meeting of the Board of Building Appeals of the City of Modesto held on the 22nd day of August 2019, by Board Member, John Bergman, 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, Dalton, Wungluck, Yoshino, Reid
Noes:	None
Absent:	None

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 10<sup>th</sup> Street, Modesto, California 95354.


On August 29, 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 29<sup>th</sup> day of August 2019, at Modesto, California.

  
\_\_\_\_\_  
Carmen Pifia,  
Administrative Office Assistant III

COD2019-50096