

CITY OF MODESTO, CALIFORNIA

Community and Economic Development Department

Building Safety Division

P.O. Box 642

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Modesto, California 95353

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NOTICE OF PASSAGE OF RESOLUTION

MAY 5, 2022

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

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

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: THE COMMERCIAL PROPERTY NOT MAINTAINED TO THE
APPROVED CITY OF MODESTO DEVELOPMENT STANDARDS
LOCATED AT THE PROPERTY KNOWN AS 1737 RELIANCE STREET,
MODESTO, CALIFORNIA; CITY OF MODESTO CODE
ENFORCEMENT CASE NO. COD2021-71399**

PLEASE TAKE NOTICE that on April 28th, 2022, 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. 2022-02, a true and correct copy of which is attached to this Notice.

THE BOARD UPHOLDS CIVIL PENALTIES IN THE AMOUNT OF FORTY-NINE THOUSAND DOLLARS (\$49,000.00) AND HEARING COST IN THE AMOUNT OF FOUR HUNDRED SEVENTY-EIGHT DOLLARS AND SEVENTY CENTS (\$478.70) AS STATED IN THE COST REPORT UNDER EXHIBIT B OF THE CIVIL PENALTY HEARING PACKET AND THE EXPENSE THEREOF MADE A PERSONAL OBLIGATION OF SCC PALLETS INC AND A LIEN AGAINST THE OWNER AND REAL 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) 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: May 5, 2022


OSCAR DIAZ
SECRETARY TO THE BOARD

OD:kk
Attachment

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

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

City Attorney
Oscar Diaz, Chief Building Official
Chris Kemper, Building Safety Program Coordinator
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2022-02

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

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 November 30, 2021; and

WHEREAS, a Notice and Order dated December 9, 2021, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and

1. 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
2. Provide a report from a California Licensed Structural Engineer to address the condition, and any needed repairs, to the fire-damaged 12x40 freestanding metal framed shed work area within thirty (30) calendar days of the date of this Notice and Order; and
3. Obtain a permit from the City of Modesto Building Safety Division for any needed repairs, and the work already done without permits, to the fire-damaged 12x40 freestanding metal framed shed work area within thirty (30) calendar days of the date of this Notice and Order; and
4. Remove all non-operable vehicles from the property within thirty (30) calendar days of the Notice and Order; and

5. 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
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 all temporary and unpermitted structures from the property within thirty (30) calendar days of the date of this Notice and Order; and
8. Complete all work for which a City of Modesto Building permit is required and pass a final inspection by the City of Modesto Building Safety Division within ninety (90) calendar days of the date of this Notice and Order: and
9. 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.

WHEREAS, said Notice and Order dated December 9, 2021, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on December 9, 2021, said Notice and Order of December 9, 2021, 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 December 9, 2021, said Notice and Order of December 9, 2021, was posted on the premises; and

WHEREAS, on February 24, 2022, THE BOARD UPHOLDS CIVIL PENALTIES IN THE AMOUNT OF FORTY-NINE THOUSAND DOLLARS (\$49,000.00) AND HEARING COST IN THE AMOUNT OF FOUR HUNDRED SEVENTY-EIGHT DOLLARS AND SEVENTY CENTS (\$478.70) AS STATED IN THE COST REPORT UNDER EXHIBIT B OF THE CIVIL PENALTY HEARING PACKET AND THE EXPENSE THEREOF MADE A PERSONAL OBLIGATION OF SCC PALLETS INC AND A LIEN AGAINST THE OWNER AND REAL PROPERTY.

NOW, THEREFORE, BE IT RESOLVED that the Board and City of Modesto shall cause to be posted on the premises a Notice of the Passage of this Resolution No. 2022-02, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) calendar days after passage of this Resolution No. 2022-02, 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 one (1) 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 two (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 28th day of April, 2022, by Chairperson, John Bergman, who moved its adoption, stated the Hearing Fees and Penalties to be held in abeyance pending an update in (60) calendar days to determine the status/progress of the property. The Board orders to apply for Permit within two (2) weeks, to pay the fee when permit is ready, to pick it up within three (3) days. Board member John Bergman orders to reduce the fee to Ten Thousand Dollars (\$10,000) if all the above requirements are met. To which, the motion being duly seconded by Board Member, Sebastian Jones, was upon roll call carried unanimously. Resolution adopted by the following vote:

Ayes: Bergman, Jones, Kishore
Noes: None
Absent: Wungluck, Williams

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



JOHN BERGMAN
BOARD OF BUILDING APPEALS