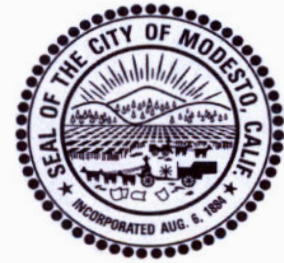


**CITY OF MODESTO, CALIFORNIA**

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**

**June 6, 2024**

**TO: SHAMI HASSAN TR  
3919 BASTILLE CT  
TRACY, CA 95377**

**VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**RE: THE CONVERSION OF DUPLEX INTO FIVE DWELLING UNIT AT THE REAR OF THE PROPERTY WITHOUT CITY OF MODESTO PLANNING AND BUILDING SAFETY DIVISIONS APPROVAL OR PERMITS AT 1015 7<sup>th</sup> STREET MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2024-01567**

PLEASE TAKE NOTICE that on May 23, 2024, 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 1015 7<sup>th</sup> Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2024-01, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2024-01, THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED APRIL 2, 2024. THE BOARD APPROVED THE CITY’S RECOMMENDATION AS FOLLOWS; ORDER THE PROPERTY OWNER TO REMOVE THE INTERIOR WALLS AT UNIT A & E MAKING EACH A STUDIO WITHIN THIRTY (30) CALENDAR DAYS OF THE RESOLUTION, ORDER THE PROPERTY OWNER TO COMPLETE PLANS TO CONVERT DUPLEX INTO A 5 PLEX AND APPLY FOR A BUILDING PERMIT WITHIN SIXTY (60) CALENDAR DAYS OF THE RESOLUTION, ORDER THE PROPERTY OWNER**

**TO OBTAIN THE BUILDING PERMIT WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS OF THE RESOLUTION, ORDER THE PROPERTY OWNER TO COMPLETE ALL REQUIRED WORK AND OBTAIN A FINAL INSPECTION WITHIN THREE HUNDRED SIXTY (360) CALENDAR DAYS OF THE RESOLUTION.**

**THE BOARD FURTHER UPHOLDS CIVIL PENALTIES IN THE AMOUNT OF TWENTY-NINE THOUSAND FOUR HUNDRED DOLLARS (\$29,400.00) AND HEARING COST IN THE AMOUNT OF FOUR HUNDRED FORTY-SEVEN DOLLARS AND FORTY-SEVEN CENTS (\$447.47) AS STATED IN THE REVISED COST REPORT INTRODUCED AT THE HEARING AND THE EXPENSE THEREOF MADE A PERSONAL OBLIGATION AND A LIEN AGAINST THE OWNER AND PROPERTY. IF THE PROPERTY OWNER FAILS TO COMPLY WITH THE BOARD'S ORDER, THE CITY OF MODESTO SHALL POST THE STRUCTURE AS UNSAFE AND SEEK ABATEMENT REMEDIES INCLUDING RECEIVERSHIP.**

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: June 6, 2024



Oscar Diaz  
SECRETARY TO THE BOARD

ODI:mfo  
Attachment

Enclosure: City of Modesto Invoice

cc: **SHAMI HASSAN TR  
3919 BASTILLE CT  
TRACY, CA 95377**

**SHAMI HASSAN TR  
1015 7<sup>th</sup> STREET  
MODESTO, CA 95354**

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

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2024-01

THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED APRIL 2, 2024. THE BOARD APPROVED THE CITY'S RECOMMENDATION AS FOLLOWS; ORDER THE PROPERTY OWNER TO REMOVE THE INTERIOR WALLS AT UNIT A & E MAKING EACH A STUDIO WITHIN THIRTY (30) CALENDAR DAYS OF THE RESOLUTION, ORDER THE PROPERTY OWNER TO COMPLETE PLANS TO CONVERT DUPLEX INTO A 5 PLEX AND APPLY FOR A BUILDING PERMIT WITHIN SIXTY (60) CALENDAR DAYS OF THE RESOLUTION, ORDER THE PROPERTY OWNER TO OBTAIN THE BUILDING PERMIT WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS OF THE RESOLUTION, ORDER THE PROPERTY OWNER TO COMPLETE ALL REQUIRED WORK AND OBTAIN A FINAL INSPECTION WITHIN THREE HUNDRED SIXTY (360) CALENDAR DAYS OF THE RESOLUTION.

THE BOARD FURTHER UPHOLDS CIVIL PENALTIES IN THE AMOUNT OF TWENTY-NINE THOUSAND FOUR HUNDRED DOLLARS (\$29,400.00) AND HEARING COST IN THE AMOUNT OF FOUR HUNDRED FORTY-SEVEN DOLLARS AND FORTY-SEVEN CENTS (\$447.47) AS STATED IN THE REVISED COST REPORT INTRODUCED AT THE HEARING AND THE EXPENSE THEREOF MADE A PERSONAL OBLIGATION AND A LIEN AGAINST THE OWNER AND PROPERTY. IF THE PROPERTY OWNER FAILS TO COMPLY WITH THE BOARD'S ORDER, THE CITY OF MODESTO SHALL POST THE STRUCTURE AS UNSAFE AND SEEK ABATEMENT REMEDIES INCLUDING RECEIVERSHIP.

WHEREAS, Hassan Shami have title to and is the recorded owners of property located at 1015 7<sup>th</sup> Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 1015 7<sup>th</sup> Street consists of the conversion of duplex into five dwelling unit 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 interior wall of the unsafe structures and meet deadlines set for construction on the property; and

WHEREAS, inspection of the premises was conducted by City of Modesto Building Safety Division personnel on February 2, 2024; and

WHEREAS, a Notice and Order dated April 2, 2024, was issued by the Chief Building Official and ordered; 1. If you intend to bring your property and the six (6) illegally converted dwelling units into compliance with the Modesto Municipal Code, you are required within seven (7) calendar days of the date of this Notice and Order to contact Oscar Diaz, Chief Building Official of the City of Modesto, to schedule a meeting to discuss your options in converting the illegal five (5) dwelling units back into two (2)

dwelling units (duplex) or to hire the services of a licensed designer to prepare a set of plans for the conversion from two (2) dwelling units into five (5) dwelling units, and for the conversion of the detached structure in the rear yard into a sixth legal dwelling unit; and

2. Within seven (7) calendar days of the date of this Notice and Order, but following your appointment with Mr. Diaz, using the enclosed Intent to Repair or Demolish Form, provide a written statement 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 conversion of the five (5) dwelling units back into two (2) dwelling units (duplex) or to legally convert the duplex into five (5) dwelling units, and for the conversion of the detached structure in the rear yard into a sixth legal dwelling unit. 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. This schedule must be approved by the Building Official before this option will be considered; and

3. Following approval by the Chief Building Official of your plans to bring the property into compliance, you are required to meet the agreed upon dates of the construction schedule, for application, plan submittal, anticipated permit issuance, start of construction, progress dates, and final inspection.; and

WHEREAS, said Notice and Order dated April 2, 2024, gave notice that the premises were found to be deemed unsafe and a public nuisance; and

WHEREAS, on April 2, 2024, said Notice and Order of April 2, 2024, 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 April 2, 2024, said Notice and Order of April 2, 2024, 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 May 13, 2024, 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 May 23, 2024, at 4:00 p.m., in the basement level 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 1015 7<sup>th</sup> 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 following be ordered:

ORDER THE PROPERTY OWNER TO REMOVE THE INTERIOR WALLS AT UNIT A & E MAKING EACH A STUDIO WITHIN THIRTY (30) CALENDAR DAYS OF THE RESOLUTION, ORDER THE PROPERTY OWNER TO COMPLETE PLANS TO CONVERT DUPLEX INTO A 5 PLEX AND APPLY FOR A BUILDING PERMIT WITHIN SIXTY (60) CALENDAR DAYS OF THE RESOLUTION, ORDER THE PROPERTY OWNER TO OBTAIN THE BUILDING PERMIT WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS OF THE RESOLUTION, ORDER THE PROPERTY OWNER TO COMPLETE ALL REQUIRED WORK AND OBTAIN A FINAL INSPECTION WITHIN THREE HUNDRED SIXTY (360) CALENDAR DAYS OF THE RESOLUTION.

BE IT FURTHER RESOLVED:

1. If the final inspection approval is not completed by June 1, 2025, the City of Modesto shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the buildings, unless the nuisance is abated by the owner or other person or any extension thereof granted by the Board of Building Appeals. In the event that the nuisance is not abated within the time prescribed, the City of Modesto may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.
2. In the event that the City of Modesto razes and removes the buildings so declared to constitute a nuisance or have the same done under its direction and supervision, the City of Modesto shall keep an itemized account of the expense involved in the razing or removing of any such buildings and shall deduct therefrom the amount received from the sale of any building materials pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68. The City of Modesto may proceed to recover its expenses in the razing or removing of any such buildings pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 68 and Section 70.

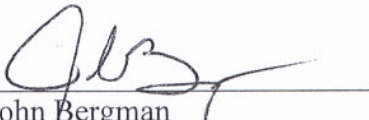
BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a Notice of the Passage of this Resolution No. 2024-01, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2024-01, 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 May 2024, by Board Member, Evan Yoshino who moved its adoption, which motion being duly seconded by Board Member, Sebastian Jones, was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Bergman, Yoshino, Jones
Noes:	None.
Absent:	None

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

  
\_\_\_\_\_  
John Bergman  
Board Chair of Building Appeals

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**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 June 10, 2024, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for 1015 7<sup>th</sup> Street., Modesto, California, Assessor's Parcel No. 104015006, on all parties in said action by serving a true copy thereof as follows:

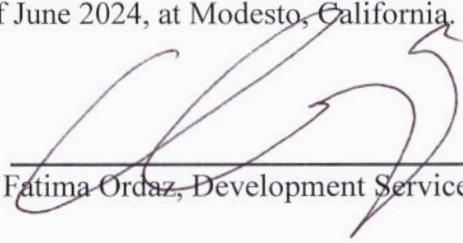
**TO: SHAMI HASSAN TR  
3919 BASTILLE CT  
TRACY, CA 95377**

  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 10<sup>th</sup> day of June 2024, at Modesto, California.

  
\_\_\_\_\_  
Fatima Ordaz, Development Service Tech. II

**COD2024-01567**



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

CITY OF  
**MODESTO**  
CALIFORNIA

TO: SHAMI HASSAN TR  
3919 BASTILLE CT  
TRACY, CA 95377

INVOICE NO: 147651  
DATE: 6/10/24

CUSTOMER NO: 69073/69073

TYPE: BD - BUILDING DEVELOPMENT

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ABATEMENT PROG ADMIN COST 4910-14998-43291-101506 05/23/2024 BBA CIVIL PENALTY HEARING - RESO. NO 2024-01 RE: 1015 7TH ST CODE CASE COD2024-01567	447.47	447.47
1.00	CIVIL PENALTIES 4910-14998-433-101506	29,400.00	29,400.00

PAY ONLINE AT [MODESTOGOV.COM](http://MODESTOGOV.COM) OR CALL 209-577-5303

TOTAL DUE: \$29,847.47

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 6/10/24 DUE DATE: 6/20/24  
CUSTOMER NO: 69073/69073

NAME: HASSAN TR, SHAMI  
TYPE: BD - BUILDING DEVELOPMENT

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

INVOICE NO: 147651  
TERMS: NET 10 DAYS

AMOUNT: \$29,847.47