

CITY OF MODESTO, CALIFORNIA
Community and Economic Development
Department
Building Safety and Neighborhood
Preservation Division
P.O. Box 642
1010 Tenth Street, Suite 3100
Modesto, California 95353



Building Safety:
Telephone (209) 577-5232
TDD (209) 526-9211

NOTICE OF PASSAGE OF RESOLUTION

January 30, 2025

TO: LARA DAVID
128 OAKES BLVD
SAN LEANDRO, CA 94577

VIA: CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RE: MULTIPLE STRUCTURES BUILT WITHOUT PERMITS VISIBLE FROM ALLEY LOCATED AT THE PROPERTY KNOWN AS 1029 SPRINGFIELD CT , MODESTO, CA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2024-00443

PLEASE TAKE NOTICE that on Thursday, January 23, 2025, 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 1029 SPRINGFIELD CT (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2025-03, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION 2025-03, THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED DECEMBER 18, 2024. THE BOARD APPROVED THE CITY'S RECOMMENDATION AS FOLLOWS:

THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED DECEMBER 18, 2024; THE BOARD UPHOLDS ADMINISTRATIVE COSTS IN THE AMOUNT OF SIX HUNDRED AND SIXTY-FIVE DOLLARS AND TWENTY-SEVEN CENTS (\$665.27); THE BOARD UPHOLDS THE CIVIL PENALTIES IN THE AMOUNT OF TWO THOUSAND AND ONE HUNDRED DOLLARS (\$2,100.00) AND WILL CONTINUE TO ACCRUE CIVIL PENALTIES AND HELD IN ABEYANCE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER DAY UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE;. THE BOARD FURTHER ORDERS THE PROPERTY OWNER TO SUBMIT BUILDING PLANS WITHIN SIXTY

(60) CALENDAR DAYS OF THE HEARING, OBTAIN A BUILDING PERMIT WITHIN ONE HUNDRED AND TWENTY DAYS (120) CALENDAR DAYS OF THE HEARING, AND OBTAIN A FINAL INSPECTION WITHIN ONE HUNDRED EIGHTY (180) CALENDAR DAYS OF THE HEARING; IF THE PROPERTY OWNER FAILS TO MEET THE REQUIREMENTS, THE FULL CIVIL PENALTIES WILL BECOME DUE AND MADE A LIEN AND SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 1029 SPRINGFIELD CT. MODESTO, CA 95355, PARCEL NUMBER 068013036.

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 pursuant to California Code of Civil Procedure sections 1094.5 and 1094.6 within ninety (90) days of the final decision of the Board of Building Appeals, 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: January 30, 2025



Oscar Diaz
SECRETARY TO THE BOARD

ODI:bv
Attachment

Enclosure: City of Modesto Invoice

cc: LARA DAVID
128 OAKES BLVD
SAN LEANDRO, CA 94577

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

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2025-03

THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED DECEMBER 18, 2024. THE BOARD APPROVED THE CITY'S RECOMMENDATION AS FOLLOWS; THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED DECEMBER 18, 2024; THE BOARD UPHOLDS ADMINISTRATIVE COSTS IN THE AMOUNT OF SIX HUNDRED AND SIXTY-FIVE DOLLARS AND TWENTY-SEVEN CENTS (\$665.27); THE BOARD UPHOLDS THE CIVIL PENALTIES IN THE AMOUNT OF TWO THOUSAND AND ONE HUNDRED DOLLARS (\$2,100.00) AND WILL CONTINUE TO ACCRUE CIVIL PENALTIES AND HELD IN ABEYANCE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER DAY UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE;. THE BOARD FURTHER ORDERS THE PROPERTY OWNER TO SUBMIT BUILDING PLANS WITHIN SIXTY (60) CALENDAR DAYS OF THE HEARING, OBTAIN A BUILDING PERMIT WITHIN ONE HUNDRED AND TWENTY DAYS (120) CALENDAR DAYS OF THE HEARING, AND OBTAIN A FINAL INSPECTION WITHIN ONE HUNDRED EIGHTY (180) CALENDAR DAYS OF THE HEARING; IF THE PROPERTY OWNER FAILS TO MEET THE REQUIREMENTS, THE FULL CIVIL PENALTIES WILL BECOME DUE AND MADE A LIEN AND SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 1029 SPRINGFIELD CT. MODESTO, CA 95355, PARCEL NUMBER 068013036.

WHEREAS, LARA DAVID have/has title to and is/are the recorded owner(s) of property located at 1029 SPRINGFIELD CT in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 1029 SPRINGFIELD CT consists of MULTIPLE STRUCTURES BUILT WITHOUT PERMITS VISIBLE FROM ALLEY ; 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 abatement 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 Feb 20, 2024 ; and

WHEREAS, a Notice and Order dated December 18, 2024, was issued by the Chief Building Official and ordered;

- (1) Obtain Planning approval within 14 days of this order.
- (2) You are to submit building plans, application, and all supporting documents for the conversion of the accessory dwelling unit (ADU) to the Building Safety Division within 60 days of this order.
- (3) Once plans have been approved you are to obtain a final inspection within 180 days of the issuance of the building permit.; and

WHEREAS, said Notice and Order dated December 18, 2024, gave notice that the premises were found to be deemed unsafe and a public nuisance; and

WHEREAS, on December 18, 2024, said Notice and Order of December 18, 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 December 18, 2024, said Notice and Order of December 18, 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 Jan 13, 2025 , 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 1/23/2025 12:00:00 AM 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 1029 SPRINGFIELD CT; 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:

THE BOARD UPHOLDS THE NOTICE AND ORDER DATED December 18, 2024, THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED DECEMBER 18, 2024; THE BOARD UPHOLDS ADMINISTRATIVE COSTS IN THE AMOUNT OF SIX HUNDRED AND SIXTY-FIVE DOLLARS AND TWENTY-SEVEN CENTS (\$665.27); THE BOARD UPHOLDS THE CIVIL PENALTIES IN THE AMOUNT OF TWO THOUSAND AND ONE HUNDRED DOLLARS (\$2,100.00) AND WILL CONTINUE TO ACCRUE CIVIL PENALTIES AND HELD IN ABEYANCE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER DAY UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE;. THE BOARD FURTHER ORDERS THE PROPERTY OWNER TO SUBMIT BUILDING PLANS WITHIN SIXTY (60) CALENDAR DAYS OF THE HEARING, OBTAIN A BUILDING PERMIT WITHIN ONE HUNDRED AND TWENTY

DAYS (120) CALENDAR DAYS OF THE HEARING, AND OBTAIN A FINAL INSPECTION WITHIN ONE HUNDRED EIGHTY (180) CALENDAR DAYS OF THE HEARING; IF THE PROPERTY OWNER FAILS TO MEET THE REQUIREMENTS, THE FULL CIVIL PENALTIES WILL BECOME DUE AND MADE A LIEN AND SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 1029 SPRINGFIELD CT. MODESTO, CA 95355, PARCEL NUMBER 068013036.

BE IT FURTHER RESOLVED:

1. If the final inspection approval is not completed by July 22, 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.

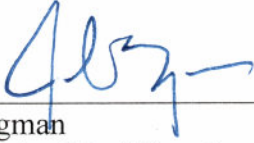
BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a Notice of the Passage of this Resolution No. 2025-03 , declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2025-03, 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 January 23, 2025 , by Board Member, Huelon Usrey who moved its adoption, which motion being duly seconded by Board Member, Evan Yoshino, was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Bergman, Yoshino, Harter, Usrey, Wiggins
Noes:	None.
Absent:	None

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

A handwritten signature in blue ink, appearing to read 'J. Bergman', is written above a horizontal line.

John Bergman
Board Chair of Building Appeals

INVOICE

CITY OF MODESTO

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
BUILDING SAFETY DIVISION

1010 Tenth Street, Suite 3100 Modesto CA 95354

Mailing Address: P.O. Box 642 Modesto CA 95356

209-577-5232



TO: DAVID LARA
128 OAKES BLVD
SAN LEANDRO, CA 94577

INVOICE NO: 154638
DATE: 1/29/25

CUSTOMER NO: 71061/71061

TYPE: BD - BUILDING DEVELOPMENT

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ABATEMENT PROG ADMIN COST 4910-14998-43291-101506 ADMINISTRATIVE COSTS January 23, 2025 BBA HEARING-1029 SPRINGFIELD CT CODE ENFORCEMEENT CASE NO..COD2024-00443 RESOLUTION NO.2025-03	665.27	665.27
1.00	CIVIL PENALTIES 4910-14998-433-101506 CIVIL PENALTIES (21 days) @ \$100/DAY PER VIOLATION.(1VIOLATION)	2,100.00	2,100.00

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

TOTAL DUE: \$2,765.27

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 1/29/25 DUE DATE: 2/10/25
CUSTOMER NO: 71061/71061

NAME: LARA, DAVID
TYPE: BD - BUILDING DEVELOPMENT

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

INVOICE NO: 154638
TERMS: NET 10 DAYS

AMOUNT: \$2,765.27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 January 30, 2025, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for address 1029 Springfield Ct, Assessor's Parcel 068013036 in Modesto, California, on all parties in said action by serving a true copy thereof as follows:

TO: DAVID LARA
128 OAKES BLVD
SAN LEANDRO, CA 94577

 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 30th day of January 2025, at Modesto, California.



Fatima Ordaz, Development Service Tech II

COD2024-00443