

**BOARD OF BUILDING APPEALS
DECISION AND ORDER NO. 2024-01**

**BOARD OF BUILDING APPEALS REGULAR MEETING
JULY 25, 2024**



IN THE MATTER OF:

**BLACKSTONE-IPG LLC
PO BOX 449
DENAIR, CA 95316**

I.

STATEMENT OF THE CASE

This matter was heard by the Board of Building Appeals on July 25, 2024, at 1010 10th Street, Basement Level Room No. B300. The hearing was held in response to the Notice and Order Appeal for the building code violations in reference to **TENANT IMPROVEMENT WITHOUT PERMITS LOCATED AT THE PROPERTY KNOWN AS 110 SANTA BARBARA AVE, CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2024-01647**, issued by the City of Modesto, Building Safety Division. This hearing was held due to an appeal by the record owner per Section 9-8.701 of the Modesto Municipal Code.

The following individuals testified:

1. Oscar Diaz, Chief Building Official, City of Modesto
2. Mario Souza, Senior Building Inspector
3. Paul Borges, Property Owner

The following items were marked and introduced into evidence:

- Board of Building Appeals hearing packet containing the owners appeal form

The following items were also presented to the Board prior to or at the hearing:

- Power Point Presentation, by Mario Souza

II.

FINDINGS OF FACT

According to the Stanislaus County Assessment Role, Blackstone-IPG LLC is the record owner(s) of the property located at 110 Santa Barbara Ave, in the City of Modesto, County of Stanislaus.

1. The premises at 110 Santa Barbara Ave. consists of office buildings large and small; and is hereinafter referred to as the "Premises."
2. **May 06, 2024**, onsite COD inspection.
3. **July 08, 2024**, request for appeal form received.

Desired Relief Sought:

"60-90 Days"

Reasons why the protested order or action should be reversed, modified, or otherwise set aside:

"Everybody Is Extremely Busy"

III.

DETERMINATION OF ISSUES

Based on a preponderance of the evidence presented at the hearing, the Board hereby determines as follows:

The appeal is approved.

The Board approved a motion to approve the appeal made by homeowner Blackstone-IPG LLC and accepts the city recommendation of granting the desired relief sought.


BASED ON A PREPONDERANCE OF THE EVIDENCE PRESENTED AT THE HEARING ON THIS MATTER, AND THE FINDINGS AND DETERMINATIONS SET FORTH ABOVE, THE BOARD OF BUILDING APPEALS HEREBY ORDERS AS FOLLOWS:

IV.

ORDER

THE BOARD UPHOLDS THE NOTICE AND ORDER DATED JUNE 10, 2024; THE BOARD AFFIRMS AND HOLDS THE CIVIL PENALTIES IN THE AMOUNT OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) IN ABEYANCE AND REDUCE THE ADMINISTRATIVE COSTS IN HALF FOR THE AMOUNT OF THREE HUNDRED AND EIGHTY-THREE DOLLARS AND SIXTY-SIX CENTS (\$383.66); THE BOARD FURTHER ORDERS THE PROPERTYOWNER TO EXPOSE ALL UNINSPECTED CONSTRUCTION, SUBMIT PLANS WITHIN NINETY (90) CALENDAR DAYS; OBTAIN A PERMIT WITHIN ONE HUNDRED AND TWENTY (120) CALENDAR DAYS OF THE BOARDS DECISION AND ORDER AND OBTAIN A FINAL INSPECTION WITHIN ONE HUNDRED AND EIGHTY (180) CALENDAR DAYS OF THE BOARDS DECISION AND ORDER; IF THE OWNER FAILS TO MEET THESE REQUIREMENTS WITHIN THE GRANTED TIMEFRAME, CIVIL PENALTIES WILL BEGIN TO ACCRUE.

DATED: September 6, 2024

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

JOHN BERGMAN, CHAIRPERSON

NOTICE TO OWNER: Pursuant to Modesto Municipal Code Section 9-8.713(e), this Order of the Board of Building Appeals is a final decision. The time for and the manner of judicial review is governed by California Code of Civil of Procedure Section 1094.5.

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: BLACKSTONE-IPG LLC
PO BOX 449
DENAIR, CA 95316

INVOICE NO: 150191
DATE: 9/05/24

CUSTOMER NO: 69057/69057

TYPE: BD - BUILDING DEVELOPMENT

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ABATEMENT PROG ADMIN COST 4910-14998-43291-101506 RE: 110 SANTA BARBARA 7/25/2024 BBA APPEALS HEARING - D AND O 2024-01 CODE CASE COD2024-01647	383.66	383.66

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

TOTAL DUE: \$383.66

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 9/05/24 DUE DATE: 9/16/24
CUSTOMER NO: 69057/69057

NAME: BLACKSTONE-IPG LLC
TYPE: BD - BUILDING DEVELOPMENT

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

INVOICE NO: 150191
TERMS: NET 10 DAYS

AMOUNT: \$383.66

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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 10th Street, Modesto, California 95354.

On September 6, 2024, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION, 110 Santa Barbara Ave, Assessor's Parcel 108016006 in Modesto, California, on all parties in said action by serving a true copy thereof as follows:

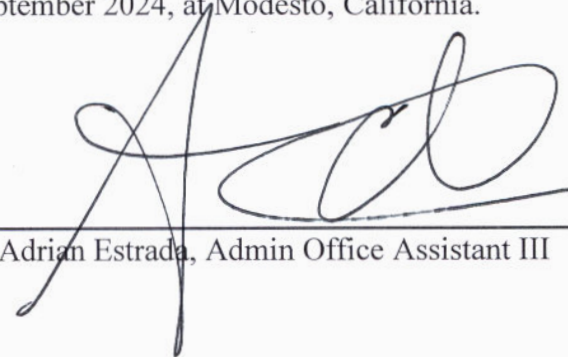
**TO: BLACKSTONE-IPG LLC
PO BOX 449
DENAIR, CA 95316**

 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 6th day of September 2024, at Modesto, California.



Adrian Estrada, Admin Office Assistant III

COD2024-01647