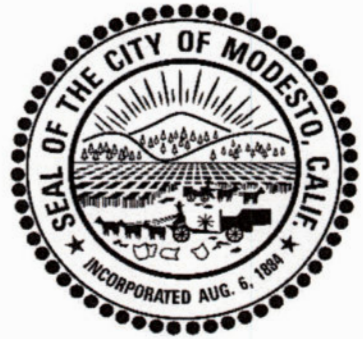


**CITY OF MODESTO, CALIFORNIA**  
Community and Economic Development  
Department  
Building Safety and Neighborhood  
Preservation Division  
P.O. Box 642  
1010 Tenth Street, Suite 3100  
Modesto, California 95353



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

## **NOTICE OF PASSAGE OF RESOLUTION**

January 30, 2025,

TO: GARCIA MARIA A  
P O BOX 1175  
EMPIRE, CA 95319

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

**RE: INFESTATION, MOLD, BROKEN SEWER PIPE... LOCATED AT THE PROPERTY KNOWN AS 1343 HARRIS AVE #5 , MODESTO, CA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. RCOD2024-02747**

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 1343 HARRIS AVE #5 (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2025-01, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION 2025-01, THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED OCTOBER 21, 2024. THE BOARD APPROVED THE CITY'S RECOMMENDATION AS FOLLOWS:

THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED OCTOBER 21, 2024; THE BOARD UPHOLDS ADMINISTRATIVE COSTS IN THE AMOUNT OF FIVE HUNDRED FIFTY DOLLARS AND FIFTY-ONE CENTS (\$550.51); THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) AND HOLDS THEM IN ABEYANCE; THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING PERMIT FOR THE REPAIRS WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE, TO COMPLETE ALL REPAIRS, AND OBTAIN A FINAL INSPECTION WITHIN NINETY (90) CALENDAR DAYS OF THE HEARING DATE. 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 1343 HARRIS AVE UNIT 5. MODESTO, CA 95351, PARCEL NUMBER 037004047.

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: GARCIA MARIA A  
P O BOX 1175  
EMPIRE, CA 95319

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

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2025-01

THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED OCTOBER 21, 2024. THE BOARD APPROVED THE CITY'S RECOMMENDATION AS FOLLOWS; THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED OCTOBER 21, 2024; THE BOARD UPHOLDS ADMINISTRATIVE COSTS IN THE AMOUNT OF FIVE HUNDRED FIFTY DOLLARS AND FIFTY-ONE CENTS (\$550.51); THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) AND HOLDS THEM IN ABEYANCE; THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING PERMIT FOR THE REPAIRS WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE, TO COMPLETE ALL REPAIRS, AND OBTAIN A FINAL INSPECTION WITHIN NINETY (90) CALENDAR DAYS OF THE HEARING DATE. 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 1343 HARRIS AVE UNIT 5. MODESTO, CA 95351, PARCEL NUMBER 037004047.

WHEREAS, GARCIA MARIA A have/has title to and is/are the recorded owner(s) of property located at 1343 HARRIS AVE #5 in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 1343 HARRIS AVE #5 consists of INFESTATION, MOLD, BROKEN SEWER PIPE... ; 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 Oct 15, 2024 ; and

WHEREAS, a Notice and Order dated October 21, 2024, was issued by the Chief Building Official and ordered;

1. Obtain the services of a licensed pest control service and have them provide regular maintenance until the infestation is resolved.
2. Remove all sources of moisture that could be creating mold.
3. Provide insect screening on all windows.
4. Provide building address in minimum 4" high text.
5. Obtain the services of a licensed plumber to make all plumbing repairs.

6. Fix all broken cabinets.
7. Obtain the services of a licensed electrician to make all electrical repairs.
8. Provide smoke alarms inside and outside all sleeping rooms.
9. Repair all appliances including water heater.
10. Register the property with the Rental Housing Safety Program and pay all inspection fees.; and

WHEREAS, said Notice and Order dated October 21, 2024, gave notice that the premises were found to be deemed unsafe and a public nuisance; and

WHEREAS, on October 21, 2024, said Notice and Order of October 21, 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 October 21, 2024, said Notice and Order of October 21, 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 1343 HARRIS AVE #5; 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 OCTOBER 21, 2024, THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED OCTOBER 21, 2024; THE BOARD UPHOLDS ADMINISTRATIVE COSTS IN THE AMOUNT OF FIVE HUNDRED FIFTY DOLLARS AND FIFTY-ONE CENTS (\$550.51); THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) AND HOLDS THEM IN ABEYANCE; THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING PERMIT FOR THE REPAIRS WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE, TO COMPLETE ALL REPAIRS, AND OBTAIN A FINAL INSPECTION WITHIN NINETY (90) CALENDAR DAYS OF THE HEARING DATE. 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 1343 HARRIS AVE UNIT 5. MODESTO, CA 95351, PARCEL NUMBER 037004047.

BE IT FURTHER RESOLVED:

1. If the final inspection approval is not completed by April 23, 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. 2025-01 , declaring a nuisance and directing abatement of the nuisance.

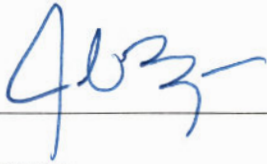
BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2025-01, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by certified mail, postage prepaid, 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 January 23, 2025 , by Board Member, Evan Yoshino who moved its adoption, which motion being duly seconded by Board Member, David Harter, was upon roll call carried in the resolution

adopted by the following vote:

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

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



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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: MARIA A GARCIA  
PO BOX 1175  
EMPIRE, CA 95319

INVOICE NO: 154634  
DATE: 1/29/25

CUSTOMER NO: 18587/223174

TYPE: BD - BUILDING DEVELOPMENT

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ABATEMENT PROG ADMIN COST 3122-14998-43291-101506 ADMINISTRATIVE COSTS January 23, 2025 BBA HEARING-1343 HARRIS AVE #5 CODE ENFORCEMENT CASE NO..RCOD2024-02747 RESOLUTION NO.2025-01	550.51	550.51

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

TOTAL DUE: \$550.51

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 1/29/25 DUE DATE: 2/10/25  
CUSTOMER NO: 18587/223174

NAME: GARCIA, MARIA A  
TYPE: BD - BUILDING DEVELOPMENT

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

INVOICE NO: 154634  
TERMS: NET 10 DAYS

AMOUNT: \$550.51

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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 January 30, 2025, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION, 1343 Harris Ave #5, Assessor's Parcel 037004047 in Modesto, California, on all parties in said action by serving a true copy thereof as follows:

**TO:** MARIA A GARCIA  
PO BOX 1175  
EMPIRE, CA 95319

**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.

**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 30<sup>th</sup> day of January 2025, at Modesto, California.

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

**RCOD2024-02747**