

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
Facsimile: (209) 571-5135
TDD: (209) 526-9211



NOTICE OF PASSAGE OF RESOLUTION

APRIL 8, 2019

**TO: HSIAO WUN CHEN
PO BOX 251
LOS ALTOS CA 94023**

**HSIAO WUN CHEN
1625 YALE DRIVE
MOUNTAIN VIEW CA 94040**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: THE CONDITIONS CAUSED BY THE LACK OF BUILDING MAINTENANCE AND INSECT INFESTATION TO THE INDIVIDUAL DWELLING UNIT #B, AND A FOURTH DWELLING UNIT CREATED FROM A CARPORT WITHOUT CITY OF MODESTO PLANNING AND BUILDING SAFETY DIVISION'S APPROVAL OR PERMITS ON THE PROPERTY LOCATED AT 343 RIO GRANDE AVENUE, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2018-40137

PLEASE TAKE NOTICE that on March 28, 2019, 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 343 Rio Grande Avenue (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2019-07, a true and correct copy of which is attached to this Notice.


- **THE BOARD DECLARES THE PROPERTY IS A PUBLIC NUISANCE.**

- THE BOARD AFFIRMS THE NOTICE AND ORDER DATED AUGUST 31, 2018.
- THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN THE BUILDING PERMIT WITHIN THIRTY (30) CALENDAR DAYS OF THE RESOLUTION.
- THE BOARD ORDERS THE PROPERTY OWNER TO COMPLETE ALL REQUIRED WORK AND OBTAIN A FINAL INSPECTION WITHIN SIXTY (60) CALENDAR DAYS OF THE RESOLUTION.
- THE BOARD ORDERS THE OWNER TO CONVERT THE STORAGE BACK TO A CARPORT.
- THE BOARD AFFIRMS THE HEARING COSTS IN THE AMOUNT OF NINE HUNDRED NINETY-EIGHT DOLLARS AND NINETY CENTS (\$998.90).
- THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF EIGHT THOUSAND TWO HUNDRED DOLLARS (\$8,200) AND ORDERS THE CIVIL PENALTIES TO BE HELD IN ABEYANCE AND ORDERS THAT THE CIVIL PENALTIES SHALL CONTINUE TO ACCRUE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER DAY PENDING COMPLIANCE WITH RESOLUTION NO. 2019-07.

IF THE NUISANCE IS NOT ABATED WITHIN THE SPECIFIED TIME, CITY OF MODESTO SHALL PROCEED WITH THE ADMINISTRATIVE ABATEMENT ACTION AND THE EXPENSE THEREOF MADE A LIEN ON THE LOT OR PARCEL LAND UPON WHICH SAID BUILDINGS ARE LOCATED.

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: April 8, 2019


 OSCAR DIAZ,
 SECRETARY TO THE BOARD

OD:cp
 Attachment

cc: HSIAO WUN CHEN
 PO BOX 251
 LOS ALTOS CA 94023

HSIAO WUN CHEN
 1625 YALE DRIVE
 MOUNTAIN VIEW CA 94040
 City Attorney
 Oscar Diaz, Chief Building Official

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2019-07

A RESOLUTION DECLARING THE BUILDING LOCATED AT 343 RIO GRANDE AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) CALENDAR DAYS

WHEREAS, HSIAO WUN CHEN has title to and is the recorded owner of property located at 343 Rio Grande Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

WHEREAS, the premises at 343 Rio Grande Avenue consists of: THE CONDITIONS CAUSED BY THE LACK OF BUILDING MAINTENANCE AND INSECT INFESTATION TO THE INDIVIDUAL DWELLING UNIT #B, AND A FOURTH DWELLING UNIT CREATED FROM A CARPORT WITHOUT CITY OF MODESTO PLANNING AND BUILDING SAFETY DIVISION’S APPROVAL OR PERMITS; 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 August 16, 2018; and

WHEREAS, a Notice and Order dated August 31, 2018 was issued by the Chief Building Official and ordered the property owner to contact the Building Safety Division of the City of Modesto and **IF YOU INTEND TO TAKE THE NECESSARY ACTIONS TO MAKE YOUR PROPERTY, AND ALL DWELLING UNITS SAFE AND HABITABLE YOU SHALL PROVIDE EXTERMINATION FOR ALL INSECTS BY AN APPROVED PROCESS THAT WILL NOT BE INJURIOUS TO HUMAN HEALTH WITHIN THIRTY (30) CALANDER DAYS FROM THE DATE OF THIS NOTICE AND ORDER, AND FOLLOWING THE EXTERMINATION PROVIDE PROPER PRECAUTIONS TO PREVENT REINFESTATION.**

PLEASE NOTE THAT YOUR THREE-UNIT APARTMENT BUILDING PER THE MODESTO MUNICIPAL CODE IS A NON-CONFORMING STRUCTURE THAT WAS ALLOWED TO REMAIN THAT WAY BY THE CITY OF MODESTO WHEN THE SHACKELFORD NEIGHBORHOOD WAS ANNEXED INTO THE CITY OF MODESTO. THEREFOR THE CITY OF MODESTO WILL NOT ALLOW THE CONSTRUCTION OF THE FOURTH DWELLING UNIT AND YOU ARE REQUIRED TO COMMENCE THE DEMOLITION OF THIS FOURTH DWELLING UNIT FOLLOWING THE REMOVAL OF ITS TENANTS

- **THE BOARD DECLARES THE PROPERTY IS A PUBLIC NUISANCE.**
- **THE BOARD AFFIRMS THE NOTICE AND ORDER DATED AUGUST 31, 2018.**
- **THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING PERMIT WITHIN THIRTY (30) CALENDAR DAYS OF THE RESOLUTION.**
- **THE BOARD ORDERS THE PROPERTY OWNER TO COMPLETE ALL REQUIRED WORK AND OBTAIN A FINAL INSPECTION WITHIN SIXTY (60) CALENDAR DAYS OF THE RESOLUTION.**
- **THE BOARD ORDERS THE OWNER TO CONVERT THE STORAGE BACK TO A CARPORT.**
- **THE BOARD AFFIRMS THE HEARING COSTS IN THE AMOUNT OF NINE HUNDRED NINETY-EIGHT DOLLARS AND NINETY CENTS (\$998.90)**
- **THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF EIGHT THOUSAND TWO HUNDRED DOLLARS (\$8,200) AND ORDERS THE CIVIL PENALTIES TO BE HELD IN ABEYANCE AND ORDERS THAT THE CIVIL PENALTIES SHALL CONTINUE TO ACCRUE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER DAY PENDING COMPLIANCE WITH RESOLUTION NO. 2019-07.**

IF THE NUISANCE IS NOT ABATED WITHIN THE SPECIFIED TIME, CITY OF MODESTO SHALL PROCEED WITH THE ADMINISTRATIVE ABATEMENT ACTION AND THE EXPENSE THEREOF MADE A LIEN ON THE LOT OR PARCEL LAND UPON WHICH SAID BUILDINGS ARE LOCATED.

BE IT FURTHER RESOLVED:

1. Thirty (30) calendar 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 buildings, unless the nuisance is abated by the owner or other person within the thirty (30) calendar day period 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.

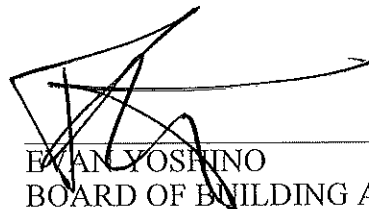
BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a Notice of the Passage of this Resolution No. 2019-07, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) calendar days after passage of this Resolution No. 2019-07, 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 (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 28th day of March 2019, by Board Member, Richard Dalton, who moved its adoption, which motion being duly seconded by Board Member, John Bergman was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Bergman, Dalton, Wungluck, Yoshino
Noes:	None.
Absent:	Reid

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



EVAN YOSHINO
BOARD OF BUILDING APPEALS



INVOICE

CITY OF MODESTO
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
BUILDING SAFETY & NEIGHBORHOOD PRESERVATION DIVISION
1010 Tenth Street, Suite 3100 • Modesto, CA • 95354
Mailing Address: P.O. Box 3441 • Modesto, CA • 95353
209.577.5232 / fax 209.571.5135

TO: HSIAO WUN CHEN
PO BOX 251
LOS ALTOS, CA 94023

INVOICE NO: 100032
DATE: 4/08/19

CUSTOMER NO: 59363/59363

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS 03/28/19 BBA CIVIL PENALTY HEARING - RESO NO. 2019-07 FOR: 343 RIO GRANDE AVENUE CODE ENFORCEMENT CASE NO. COD2018-40137	998.90	998.90

PAY ONLINE AT MODESTOGOV.COM

TOTAL DUE: \$998.90

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 4/08/19 DUE DATE: 4/18/19
CUSTOMER NO: 59363/59363

NAME: CHEN, HSIAO WUN
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 100032
TERMS: NET 10 DAYS

AMOUNT: \$998.90

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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 April 8, 2019, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for 343 Rio Grande Ave, Modesto, California, Assessor's Parcel No. 038-028-027, on all parties in said action by serving a true copy thereof as follows:

**TO: HSIAO WUN CHEN
PO BOX 251
LOS ALTOS CA 94023**

**HSIAO WUN CHEN
1625 YALE DRIVE
MOUNTAIN VIEW CA 94040**

 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 8th day of APRIL 2019, at Modesto, California.

COD2018-40137



CARMEN PIÑA
ADMINISTRATIVE OFFICE ASSISTANT