

**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**

**November 12, 2024**

**TO: FIGUEROA ANTONIO ALBOR  
PO BOX 32  
KEYES, CA 95328**

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

**RE: UNPERMITTED STUDIO/UNSAFE LOCATED AT THE PROPERTY KNOWN AS 1445 SHERWOOD AVE ,  
MODESTO, CA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2023-01336**

PLEASE TAKE NOTICE that on Thursday, October 24, 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 1445 SHERWOOD AVE (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2024-09, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION 2024-09, THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED SEPTEMBER 5, 2024. THE BOARD APPROVED THE CITY’S RECOMMENDATION AS FOLLOWS:

**THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED SEPTEMBER 5, 2024; THE BOARD AFFIRMS ADMINISTRATIVE COSTS IN THE AMOUNT OF SEVEN HUNDRED SIXTY DOLLARS AND TWO CENTS (\$760.02); THE BOARD UPHOLDS THE CIVIL PENALTIES IN THE AMOUNT OF THREE THOUSAND**

**EIGHT HUNDRED DOLLARS (\$3,800.00) IN ABEYANCE; THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN APPROVAL FROM THE PLANNING DEPARTMENT TO CONVERT THE GARAGE INTO AN ADU WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE; THE BOARD ORDERS THE PROPERTY OWNER TO SUBMIT A COMPLETE SET OF PLANS AND SUPPORTING DOCUMENTS TO THE BUILDING SAFETY DIVISION AND APPLY FOR A PERMIT WITHIN SIXTY (60) CALENDAR DAYS OF THE HEARING DATE; THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING PERMIT WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS AND A BUILDING FINAL INSPECTION WITHIN ONE HUNDRED AND TWENTY (120) 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 1445 SHERWOOD AVE. MODESTO, CA 95350, PARCEL NUMBER 119024054.**

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: November 12, 2024**



**Oscar Diaz**  
**SECRETARY TO THE BOARD**

ODI:ae  
Attachment

Enclosure: City of Modesto Invoice

cc: FIGUEROA ANTONIO ALBOR  
PO BOX 32  
KEYES, CA 95328

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

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2024-09

THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED SEPTEMBER 5, 2024. THE BOARD APPROVED THE CITY'S RECOMMENDATION AS FOLLOWS; THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED SEPTEMBER 5, 2024; THE BOARD AFFIRMS ADMINISTRATIVE COSTS IN THE AMOUNT OF SEVEN HUNDRED SIXTY DOLLARS AND TWO CENTS (\$760.02); THE BOARD UPHOLDS THE CIVIL PENALTIES IN THE AMOUNT OF THREE THOUSAND EIGHT HUNDRED DOLLARS (\$3,800.00) IN ABEYANCE; THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN APPROVAL FROM THE PLANNING DEPARTMENT TO CONVERT THE GARAGE INTO AN ADU WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE; THE BOARD ORDERS THE PROPERTY OWNER TO SUBMIT A COMPLETE SET OF PLANS AND SUPPORTING DOCUMENTS TO THE BUILDING SAFETY DIVISION AND APPLY FOR A PERMIT WITHIN SIXTY (60) CALENDAR DAYS OF THE HEARING DATE; THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING PERMIT WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS AND A BUILDING FINAL INSPECTION WITHIN ONE HUNDRED AND TWENTY (120) 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 1445 SHERWOOD AVE. MODESTO, CA 95350, PARCEL NUMBER 119024054.

WHEREAS, FIGUEROA ANTONIO ALBOR have/has title to and is/are the recorded owner(s) of property located at 1445 SHERWOOD AVE in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 1445 SHERWOOD AVE consists of UNPERMITTED STUDIO/UNSAFE ; 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 FIRST INSPECTION; and

WHEREAS, a Notice and Order dated September 5, 2024, was issued by the Chief Building Official and ordered;

1. The owner is to obtain approval from the planning department to convert the garage into a habitable space within 30 days of this Notice and Order.
2. Remove all drywall in anticipation of rough frame, insulation, and rough electrical inspection within 30 days of this notice and order.

3. Submit a complete set of plans and supporting documents and apply for a building permit within 60 days of this order.
4. Obtain a building permit within 120 days of this order.
5. Pass final inspection within 180 days of this Notice and Order; and

WHEREAS, said Notice and Order dated September 5, 2024, gave notice that the premises were found to be deemed unsafe and a public nuisance; and

WHEREAS, on September 5, 2024, said Notice and Order of September 5, 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 September 5, 2024, said Notice and Order of September 5, 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 October 14, 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 October 24, 2024 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 1445 SHERWOOD AVE; 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 SEPTEMBER 5, 2024, THE BOARD

UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED SEPTEMBER 5, 2024; THE BOARD AFFIRMS ADMINISTRATIVE COSTS IN THE AMOUNT OF SEVEN HUNDRED SIXTY DOLLARS AND TWO CENTS (\$760.02); THE BOARD UPHOLDS THE CIVIL PENALTIES IN THE AMOUNT OF THREE THOUSAND EIGHT HUNDRED DOLLARS (\$3,800.00) IN ABEYANCE; THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN APPROVAL FROM THE PLANNING DEPARTMENT TO CONVERT THE GARAGE INTO AN ADU WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE; THE BOARD ORDERS THE PROPERTY OWNER TO SUBMIT A COMPLETE SET OF PLANS AND SUPPORTING DOCUMENTS TO THE BUILDING SAFETY DIVISION AND APPLY FOR A PERMIT WITHIN SIXTY (60) CALENDAR DAYS OF THE HEARING DATE; THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING PERMIT WITHIN ONE HUNDRED TWENTY (120) CALENDAR DAYS AND A BUILDING FINAL INSPECTION WITHIN ONE HUNDRED AND TWENTY (120) 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 1445 SHERWOOD AVE. MODESTO, CA 95350, PARCEL NUMBER 119024054.

BE IT FURTHER RESOLVED:

1. If the final inspection approval is not completed by February 21, 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. 2024-09 , declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2024-09, 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 October 24, 2024 , by Board Member, John Bergman who moved its adoption, which motion being duly seconded by Board Member, Jessie Wiggins, was upon roll call carried in the resolution adopted by the following vote:

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

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



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Evan Yoshino  
Board Vice 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: ANTONIO ALBOR FIGUEROA  
 P O BOX 32  
 KEYES, CA 95328

INVOICE NO: 152359  
 DATE: 11/12/24

CUSTOMER NO: 66283/222955

TYPE: BD - BUILDING DEVELOPMENT

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ABATEMENT PROG ADMIN COST 4910-14998-43291-101506 10/24/2024 BBA CIVIL PENALITY HEARING-RESO. NO -2024-09 CODE CASE COD2023-01336 RE: 1445 SHERWOOD AVE	760.02	760.02

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

TOTAL DUE: \$760.02

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 11/12/24 DUE DATE: 11/22/24  
 CUSTOMER NO: 66283/222955

NAME: FIGUEROA, ANTONIO ALBOR  
 TYPE: BD - BUILDING DEVELOPMENT

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

INVOICE NO: 152359  
 TERMS: NET 10 DAYS

AMOUNT: \$760.02

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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 November 12, 2024, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION, 1445 Sherwood Ave, Assessor's Parcel 119024054 in Modesto, California, on all parties in said action by serving a true copy thereof as follows:


**TO: FIGUEROA ANTONIO ALBOR  
PO BOX 32  
KEYES CA, 95328**

  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 12<sup>th</sup> day of November 2024, at Modesto, California.

  
\_\_\_\_\_  
Adrian Estrada, Admin Office Assistant III

**COD2023-01336**