

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: FRANK TO DO RHS AUDIT LOCATED AT THE PROPERTY KNOWN AS 327 LINDEN ST , MODESTO, CA;
CITY OF MODESTO CODE ENFORCEMENT CASE NO. RCOD2023-02256**

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 327 LINDEN ST (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2024-10, a true and correct copy of which is attached to this Notice.

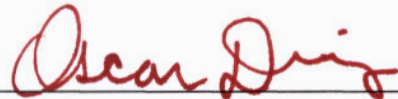
PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION 2024-10, THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED SEPTEMBER 6, 2024. THE BOARD APPROVED THE CITY'S RECOMMENDATION AS FOLLOWS:

THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED SEPTEMBER 6, 2024; THE BOARD AFFIRMS ADMINISTRATIVE COSTS IN THE AMOUNT OF EIGHT HUNDRED AND FORTY-NINE DOLLARS AND SEVENTY-EIGHT CENTS (\$849.78); THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF TWENTY-THREE THOUSAND FOUR HUNDRED DOLLARS (\$23,400.00) AND WILL CONTINUE TO ACCRUE CIVIL PENALTIES IN THE AMOUNT OF ONE HUNDRED

DOLLARS (\$100.00) PER DAY UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE AND HELD IN ABEYANCE WITH THE EXCEPTION OF FOURTEEN THOUSAND SIX HUNDRED AND SEVENTY DOLLARS (\$14,670.00) TO BE ASSESSED IMMEDIATELY FOR THE TOTAL COST FIFTEEN THOUSAND FIVE HUNDRED AND NINETEEN DOLLARS AND SEVENTY-EIGHT CENTS (\$15,519.78). THE BOARD FURTHER ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING FINAL INSPECTION AND CERTIFICATE OF OCCUPANCY FOR ADDRESS 216 N MARTIN LUTHER KING BLVD WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE; THE BOARD ORDERS THE PROPERTY OWNER TO CORRECT ALL SAFETY HEALTH VIOLATIONS WITHIN (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 AND ORDERS TO OPEN UP THE WALLS TO OBTAIN A ROUGH FRAME INSPECTION WITHIN THIRTY (30) CALENDAR DAYS OF THE ISSUANCE OF THE BUILDING PERMIT FOR ADDRESS 327 LINDEN STREET. 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 327 LINDEN STREET. MODESTO, CA 9535, PARCEL NUMBER 101004027.

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
1404 MOSSWOOD AVE
ESCALON, CA 95320

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

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2024-10

THE BOARD APPROVED A MOTION TO DECLARE THE PROPERTY A PUBLIC NUISANCE AND UPHOLD THE NOTICE AND ORDER DATED SEPTEMBER 6, 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 6, 2024; THE BOARD AFFIRMS ADMINISTRATIVE COSTS IN THE AMOUNT OF EIGHT HUNDRED AND FORTY-NINE DOLLARS AND SEVENTY-EIGHT CENTS (\$849.78); THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF TWENTY-THREE THOUSAND FOUR HUNDRED DOLLARS (\$23,400.00) AND WILL CONTINUE TO ACCRUE CIVIL PENALTIES IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER DAY UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE AND HELD IN ABEYANCE WITH THE EXCEPTION OF FOURTEEN THOUSAND SIX HUNDRED AND SEVENTY DOLLARS (\$14,670.00) TO BE ASSESSED IMMEDIATELY FOR THE TOTAL COST FIFTEEN THOUSAND FIVE HUNDRED AND NINETEEN DOLLARS AND SEVENTY-EIGHT CENTS (\$15,519.78). THE BOARD FURTHER ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING FINAL INSPECTION AND CERTIFICATE OF OCCUPANCY FOR ADDRESS 216 N MARTIN LUTHER KING BLVD WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE; THE BOARD ORDERS THE PROPERTY OWNER TO CORRECT ALL SAFETY HEALTH VIOLATIONS WITHIN (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 AND ORDERS TO OPEN UP THE WALLS TO OBTAIN A ROUGH FRAME INSPECTION WITHIN THIRTY (30) CALENDAR DAYS OF THE ISSUANCE OF THE BUILDING PERMIT FOR ADDRESS 327 LINDEN STREET. 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 327 LINDEN STREET. MODESTO, CA 9535, PARCEL NUMBER 101004027.

WHEREAS, FIGUEROA ANTONIO ALBOR have/has title to and is/are the recorded owner(s) of property located at 327 LINDEN ST in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 327 LINDEN ST consists of FRANK TO DO RHS AUDIT ; 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 COD 1ST INSPECTION; and

WHEREAS, a Notice and Order dated September 6, 2024, was issued by the Chief Building Official and ordered;

For property address 327 Linden you are hereby ordered to; (1) correct all safety health violations within 30 days of order; (2) You are to submit building plans and an application for the non-permitted studio to the Building Safety department within 60 days of order. (3) Once plans have been approved you are hereby ordered to open up walls and obtain an inspection within 30 days of the issuance of the building permit. For property address 216 N. Martin Luther King Blvd you are hereby ordered; (1) to obtain a final inspection and a certificate to occupy from the Building Safety department within 30 days of order before anyone is allowed to occupy said premises.; and

WHEREAS, said Notice and Order dated September 6, 2024, gave notice that the premises were found to be deemed unsafe and a public nuisance; and

WHEREAS, on September 6, 2024, said Notice and Order of September 6, 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 6, 2024, said Notice and Order of September 6, 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, 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 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 327 LINDEN ST; 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 6, 2024, THE BOARD UPHOLDS THE NOTICE AND ORDER ISSUED BY THE CHIEF BUILDING OFFICIAL DATED SEPTEMBER 6, 2024; THE BOARD AFFIRMS ADMINISTRATIVE COSTS IN THE AMOUNT OF EIGHT HUNDRED AND FORTY-NINE DOLLARS AND SEVENTY-EIGHT CENTS (\$849.78); THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF TWENTY-THREE THOUSAND FOUR HUNDRED DOLLARS (\$23,400.00) AND WILL CONTINUE TO ACCRUE CIVIL PENALTIES IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER DAY UNTIL THE PROPERTY IS BROUGHT INTO COMPLIANCE AND HELD IN ABEYANCE WITH THE EXCEPTION OF FOURTEEN THOUSAND SIX HUNDRED AND SEVENTY DOLLARS (\$14,670.00) TO BE ASSESSED IMMEDIATELY FOR THE TOTAL COST FIFTEEN THOUSAND FIVE HUNDRED AND NINETEEN DOLLARS AND SEVENTY-EIGHT CENTS (\$15,519.78). THE BOARD FURTHER ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING FINAL INSPECTION AND CERTIFICATE OF OCCUPANCY FOR ADDRESS 216 N MARTIN LUTHER KING BLVD WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE; THE BOARD ORDERS THE PROPERTY OWNER TO CORRECT ALL SAFETY HEALTH VIOLATIONS WITHIN (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 AND ORDERS TO OPEN UP THE WALLS TO OBTAIN A ROUGH FRAME INSPECTION WITHIN THIRTY (30) CALENDAR DAYS OF THE ISSUANCE OF THE BUILDING PERMIT FOR ADDRESS 327 LINDEN STREET. 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 327 LINDEN STREET. MODESTO, CA 9535, PARCEL NUMBER 101004027.

BE IT FURTHER RESOLVED:

1. If the final inspection approval is not completed by November 24, 2024, 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. 2024-10 , declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2024-10, 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.



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: 152360
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 -2024-10 RE: 327 LINDEN ST CODE CASE RCOD2023-02256	15,519.78	15,519.78

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

TOTAL DUE: \$15,519.78

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: 152360
TERMS: NET 10 DAYS

AMOUNT: \$15,519.78

1
2 **PROOF OF SERVICE - CCP §1013(a)(3)**

3 I am employed in the County of Stanislaus, State of California. I am over the age of eighteen
4 years and not a party to the within entitled cause; my business address is: 1010 10th Street, Modesto,
5 California 95354.

6 On November 12, 2024, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION,
7 327 Linden St, Assessor's Parcel 101004027 in Modesto, California, on all parties in said action by
8 serving a true copy thereof as follows:


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

12 X **BY MAIL:** I deposited the sealed envelope with the postage thereon fully prepaid to -
13 the office's practice for collection and processing of correspondence for mailing, and
14 pursuant to those practices the envelope would be deposited with the United States
15 Postal Service the same day.

16 X **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon
17 fully prepaid to be placed in the United States Mail at Modesto, California. I am
18 readily familiar with the office's practice for collection and processing of
19 correspondence for mailing, and pursuant to those practices the envelope would be
20 deposited with the United States Postal Service the same day.

21 **BY PERSONAL SERVICE:** I caused the within document to be hand delivered to
22 the parties herein at the addresses set forth above.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct. I executed this 12th day of November 2024, at Modesto, California.

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Adrian Estrada, Admin Office Assistant III

RCOD2023-02256