

**CITY OF MODESTO, CALIFORNIA**

Community and Economic Development Department  
Building Safety Division  
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Modesto, California 95353



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# **NOTICE OF PASSAGE OF RESOLUTION**

**FEBRUARY 5, 2014**

**TO: STEVE SIGALA  
TERESA SIGALA  
232 PUEBLO AVENUE  
MODESTO, CA 95351**

**STEVE SIGALA  
TERESA SIGALA  
3904 MONDRIAN DRIVE  
MODESTO, CA 95356**

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

**RE: THE CONVERSION OF A GARAGE INTO A SECOND DWELLING  
UNIT WITHOUT THE REQUIRED PERMITS AND INSPECTIONS AT  
THE PROPERTY KNOWN AS 232 PUEBLO AVENUE, MODESTO,  
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT  
CASE NO. COD2013-50226**

PLEASE TAKE NOTICE that on January 23, 2014, the Board of Building Appeals of the City of Modesto conducted a public appeal hearing regarding the real property situated in the City of Modesto commonly referred to as 232 Pueblo Avenue (hereinafter referred to collectively as the “premises”). Following the public appeal hearing, the Board adopted Resolution No. 2014-01, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION  
NO. 2014-01, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE  
AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND  
DIRECTED TO ABATE SUCH NUISANCE BY CONTACTING THE BUILDING**

**SAFETY DIVISION AND OBTAINING A BUILDING PERMIT FOR THE DEMOLITION AND CONVERSION OF THE GARAGE FROM HABITABLE LIVING SPACE BACK INTO A GARAGE.**

**IF THE NUISANCE IS NOT ABATED AS INDICATED IN RESOLUTION NO. 2014-01, THE CITY OF MODESTO MAY ACQUIRE JURISDICTION TO ABATE THE NUISANCE 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) 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: February 5, 2014

  
\_\_\_\_\_  
JIM MACK  
SECRETARY TO THE BOARD

JM:cp  
Attachment

cc: STEVE SIGALA  
TERESA SIGALA  
232 PUEBLO AVENUE  
MODESTO, CA 95351

STEVE SIGALA  
TERESA SIGALA  
3904 MONDRIAN DRIVE  
MODESTO, CA 95356

City Attorney  
Jim Mack, Acting Chief Building Official  
Bert Lippert, Building Inspection Program Coordinator  
File

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2014-01

A RESOLUTION DECLARING THE BUILDING LOCATED AT 232 PUEBLO AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS

WHEREAS, Steve and Teresa Sigala have title to and are the recorded owners of property located at 232 Pueblo Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises;” and

WHEREAS, the premises at 232 Pueblo Avenue consists of the unlawful conversion of a garage into a second dwelling unit without the required permits, approval, and inspections; 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 unlawful structure; and

WHEREAS, inspection of the premises was conducted by City of Modesto Building Safety Division personnel on June 10, 2013; and

WHEREAS, a Notice and Order dated October 28, 2013, was issued by the Acting Chief Building Official and ordered the property owner to contact the Building Safety Division of the City of Modesto to obtain a building permit for the demolition and conversion of the unlawful garage conversion to a second dwelling unit back to a garage, or contact the Building Safety Division to obtain a building permit for the conversion of the garage into habitable living space. Physically commence the required work for either of the required building permits and call for your first inspection within thirty (30) calendar days of the date of this Notice and Order.

WHEREAS, said Notice and Order dated October 28, 2013, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on October 28, 2013, said Notice and Order of October 28, 2013, 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 28, 2013, said Notice and Order of October 28, 2013, 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 deteriorate and constitutes 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 January 13, 2014, a "Notice of 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 Hearing" gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on January 23, 2014, at 4:00 p.m., in the Second Floor Conference Room 2005 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 232 Pueblo Avenue; 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:

1. That the premises commonly referred to as 232 Pueblo Avenue, hereinafter referred to collectively as the "premises," be hereby declared a public nuisance.
2. That the owner(s) of said premises are hereby directed and ordered to abate the unlawful nuisance by obtaining a building permit for the demolition of the garage conversion to a dwelling unit back to a garage, within thirty (30) days from the date of the posting of the notice of the passage of the resolution.
  - a) Within thirty (30) days from the date of posting the Resolution the owners are to obtain a building permit from the Building Safety Division of the Community and Economic Development Department for the demolition of the conversion of the unlawful garage conversion back to a garage and to physically commence the required demolition and final approval obtained from the Building Safety Division of the City of Modesto or;
3. Contact the Building Safety Division and obtain a building permit for the work done and the garage conversion into habitable space. Provide three (3) copies of a plot plan showing the location of the required off-street

parking lost by the garage conversion. Provide three (3) copies of the floor plan showing electrical outlets, switches and lights. Provide three (3) copies of the floor plan showing framing of the garage car opening, insulation, windows and source of heat within thirty (30) calendar days of the date of the posting the resolution and;

4. Call for required inspections and obtain final approval from the Building Safety Division for the garage conversion and required off-street parking within sixty (60) calendar days of the date of the Resolution.
  - a) Following the failure of the owner to comply with any of the above items in this Resolution within thirty (30) days of its posting, the Building Official is directed to cause the demolition of the unlawful garage conversion.
5. If the nuisance is not abated, said building(s) will be razed or removed and the expense thereof made a lien on the lot or parcel of land upon which said building is located.

BE IT FURTHER RESOLVED:

1. 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 buildings, unless the nuisance is abated by the owner or other person within the thirty (30) 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. 2014-01, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 2014-01, 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 a special appeal meeting of the Board of Building Appeals of the City of Modesto held on the 23rd day of January 2014, by Board Member Evan Yoshino, who moved its adoption, which motion being duly seconded by Board Member Jon Rodriguez, was upon roll call carried in the resolution adopted by the following vote:

Ayes: Dalton, Rodriguez, Yoshino, and Ragsdale  
Noes: None  
Absent: Reid

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



TIM RAGSDALE

BOARD OF BUILDING APPEALS

