

**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: BINDRA S. SANDHU ET AL  
2256 STAR LILLY COURT  
BRENTWOOD, CA 94513**

**TRI COUNTIES BANK  
3601 PELANDALE AVENUE SUITE E5  
MODESTO, CA 95356**

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

**RE: UNPERMITTED ADDITIONS ON THE NORTHWEST AND  
SOUTHWEST SIDES OF THE COMMERCIAL BUILDING LOCATED  
AT THE PROPERTY KNOWN AS 149 COYADO AVENUE, MODESTO,  
CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE  
NO. COD2017-90218.**

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 149 Coyado Avenue (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2019-08 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 JANUARY 25, 2019.**

- THE BOARD ORDERS THE PROPERTY OWNER TO COMPLETE PLANS AND APPLY FOR A BUILDING PERMIT WITHIN THIRTY (30) CALENDAR DAYS OF THE RESOLUTION.
- THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN THE BUILDING PERMIT WITHIN SIXTY (60) CALENDAR DAYS OF THE RESOLUTION.
- THE BOARD ORDERS THE PROPERTY OWNER TO COMPLETE ALL REQUIRED WORK AND OBTAIN A FINAL INSPECTION APPROVAL WITHIN ONE HUNDRED EIGHTY (180) CALENDAR DAYS OF THE RESOLUTION.
- THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF THIRTY-TWO THOUSAND DOLLARS (\$32,000) AND HOLDS THEM IN ABEYANCE UNTIL COMPLIANCE. CIVIL PENALTIES WILL CONTINUE TO ACCRUE AS STATED IN THE NOTICE AND ORDER DATED JANUARY 25, 2019, UNTIL COMPLIANCE WITH RESOLUTION NO. 2019-08.
- THE BOARD AFFIRMS THE HEARING COSTS IN THE AMOUNT OF ONE THOUSAND FIFTY-FOUR DOLLARS AND NINETY-ONE CENTS (\$1,054.91).
- THE BOARD AFFIRMS THAT IF THE OWNER FAILS TO OBTAIN A BUILDING PERMIT WITHIN (60) DAYS, THE CIVIL PENALTIES SHALL BE MADE A PERSONAL OBLIGATION OF THE PROPERTY OWNER AS SHOWN ON THE STANISLAUS COUNTY ASSESSOR'S RECORD.
- THE BOARD AFFIRMS THAT IF THE OWNER FAILS TO OBTAIN A FINAL INSPECTION APPROVAL WITHIN ONE HUNDRED EIGHTY (180) DAYS, THE CIVIL PENALTIES SHALL BE MADE A PERSONAL OBLIGATION OF THE PROPERTY OWNER AS SHOWN ON THE STANISLAUS COUNTY ASSESSOR'S RECORD.

**IF THE NUISANCE IS NOT ABATED WITHIN THE SPECIFIED TIME, THE CITY OF MODESTO SHALL PROCEED WITH THE ADMINISTRATIVE ABATEMENT ACTION AND THE EXPENSE THEREOF MADE A PERSONAL OBLIGATION OF THE PROPERTY OWNER AND 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

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OSCAR DIAZ,  
SECRETARY TO THE BOARD

OD:cp  
Attachment

cc: BINDRA S. SANDHU ET AL  
2256 STAR LILLY COURT  
BRENTWOOD, CA 94513

TRI COUNTIES BANK  
3601 PELANDALE AVENUE SUITE E5  
MODESTO, CA 95356  
City Attorney  
Oscar Diaz, Chief Building Official  
File

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2019-08

A RESOLUTION DECLARING THE BUILDING LOCATED AT 149 COYADO AVENUE A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) CALENDAR DAYS

WHEREAS, BINDRA S. SANDHU ET AL has title to and is the recorded owner of property located at 149 Coyado Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 149 Coyado Avenue consists of: THE UNPERMITTED ADDITIONS ON THE NORTHWEST AND SOUTHWEST SIDES OF THE COMMERCIAL BUILDING; 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 December 28, 2017, April 26, 2018, June 13, 2018, July 23, 2018, October 23, 2018, November 14, 2018 and January 16, 2019; and

WHEREAS, a Notice and Order dated January 25, 2019 was issued by the Chief Building Official and ordered the property owner to contact the Building Safety Division of the City of Modesto and ordered:

**Obtain all required permits and approvals from the City of Modesto Building Safety Division and Planning Department to make unpermitted additions legal. If approval is not granted and or permits are not issued, you must obtain a demolition permit from the Building Safety Division and remove the unpermitted additions.**

**All of these outstanding conditions must be corrected or abated within sixty (60) calendar days of the date of this Notice and Order.**

WHEREAS, said Notice and Order dated January 25, 2019, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on January 25, 2019, said Notice and Order of January 25, 2019, 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 January 25, 2019, said Notice and Order of January 25, 2019, 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) 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 building unless the nuisance is abated by the owner or the person interested within the thirty (30) calendar 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 March 18, 2019, 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 March 28, 2019, at 4:00 p.m., in the Basement Floor 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 343 Rio Grande 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:

- **THE BOARD DECLARES THE PROPERTY IS A PUBLIC NUISANCE.**
- **THE BOARD AFFIRMS THE NOTICE AND ORDER DATED JANUARY 25, 2019.**
- **THE BOARD ORDERS THE PROPERTY OWNER TO COMPLETE PLANS AND APPLY FOR THE BUILDING PERMIT WITHIN THIRTY (30) CALENDAR DAYS OF THE RESOLUTION.**
- **THE BOARD ORDERS THE PROPERTY OWNER TO OBTAIN A BUILDING PERMIT WITHIN SIXTY (60) CALENDAR DAYS OF THE RESOLUTION.**
- **THE BOARD ORDERS THE PROPERTY OWNER TO COMPLETE ALL REQUIRED WORK AND OBTAIN FINAL INSPECTION APPROVAL**

**WITHIN ONE HUNDRED EIGHTY (180) CALENDAR DAYS OF THE RESOLUTION.**

- **THE BOARD AFFIRMS THE CIVIL PENALTIES IN THE AMOUNT OF THIRTY-TWO THOUSAND DOLLARS (\$32,000) AND HOLDS THEM IN ABEYANCE UNTIL COMPLIANCE. CIVIL PENALTIES WILL CONTINUE TO ACCRUE AS ORDERED IN THE NOTICE AND ORDER DATED JANUARY 25, 2019, UNTIL COMPLIANCE WITH RESOLUTION NO. 2019-08.**
- **THE BOARD AFFIRMS THE HEARING COSTS IN THE AMOUNT OF ONE THOUSAND FIFTY-FOUR DOLLARS AND NINETY-ONE CENTS (\$1,054.91).**
- **THE BOARD AFFIRMS THAT IF THE OWNER FAILS TO OBTAIN A BUILDING PERMIT WITHIN SIXTY (60) CALENDAR DAYS, THE CIVIL PENALTIES SHALL BE MADE A PERSONAL OBLIGATION OF THE PROPERTY OWNER AS SHOWN ON THE STANISLAUS COUNTY ASSESSOR'S RECORD.**
- **THE BOARD AFFIRMS THAT IF THE OWNER FAILS TO OBTAIN A FINAL INSPECTION WITHIN ONE HUNDRED-EIGHTY (180) CALENDAR DAYS, THE CIVIL PENALTIES SHALL BE MADE A PERSONAL OBLIGATION OF THE PROPERTY OWNER AS SHOWN ON THE STANISLAUS COUNTY ASSESSOR'S RECORD.**

**IF THE NUISANCE IS NOT ABATED WITHIN THE SPECIFIED TIME, THE CITY OF MODESTO SHALL PROCEED WITH THE ADMINISTRATIVE ABATEMENT AND THE EXPENSE THEREOF MADE A PERSONAL OBLIGATION OF THE PROPERTY OWNER AND 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. 2019-08, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within One Hundred and Eighty (180) calendar days after passage of this Resolution No. 2019-08, 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.

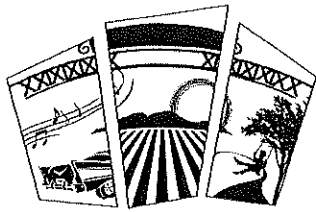
The foregoing matter was introduced at the regular meeting of the Board of Building Appeals of the City of Modesto held on the 28th day of March 2019, by Board Member, Richard Datlon, who moved its adoption, which motion being duly seconded by Board Member, Evan Yoshino, was upon roll call carried in 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



CITY OF  
**MODESTO**  
CALIFORNIA

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: BINDRA S. SANDHU ET AL  
2256 STAR LILLY COURT  
BRENTWOOD, CA 94513

INVOICE NO: 100033  
DATE: 4/08/19

CUSTOMER NO: 59359/59359

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	ADMINISTRATIVE COSTS 03/28/19 BBA CIVIL PENALTY HEARING - RESO NO. 2019-08 FOR: 149 COYADO AVENUE CODE ENFORCEMENT CASE NO. COD2017-90218	1,054.91	1,054.91

PAY ONLINE AT [MODESTOGOV.COM](http://MODESTOGOV.COM)

TOTAL DUE: \$1,054.91

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 4/08/19 DUE DATE: 4/18/19  
CUSTOMER NO: 59359/59359

NAME: SANDHU ET AL, BINDRA S.  
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 100033  
TERMS: NET 10 DAYS

AMOUNT: \$1,054.91



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

2  
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 10<sup>th</sup> Street, Modesto,  
California 95354.

5 On April 8, 2019, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for  
6 149 Coyado Avenue, Modesto, California; Assessor's Parcel No. 109-014-027; on all parties in said  
action by serving a true copy thereof as follows:

7  
8 BINDRA S. SANDHU ET AL  
2256 STAR LILLY COURT  
9 BRENTWOOD, CA 94513

10 TRI COUNTIES BANK  
3601 PELANDALE AVENUE SUITE E5  
11 MODESTO, CA 95356  
12

13  
14  X  **BY 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  
15 the office's practice for collection and processing of correspondence for mailing, and  
16 pursuant to those practices the envelope would be deposited with the United States  
Postal Service the same day.

17  X  **BY CERTIFIED MAIL:** I deposited the sealed envelope with the postage thereon  
18 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  
19 correspondence for mailing, and pursuant to those practices the envelope would be  
deposited with the United States Postal Service the same day.

20  
21 **BY PERSONAL SERVICE:** I caused the within document to be hand delivered to  
the parties herein at the addresses set forth above.

22  
23 **BY FACSIMILE:** I sent such document by way of facsimile to the offices of the  
addressee as indicated on the attached distribution list.

24  
25 **BY POSTING:** I posted such document on the property of the address as indicated  
above.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing  
27 is true and correct. Executed this 8<sup>th</sup> day of April 2019, at Modesto, California.

28   
CARMEN PIÑA  
ADMINISTRATIVE OFFICE ASSISTANT III