

CITY OF MODESTO, CALIFORNIA

Community and Economic Development Department
Building Safety Division
P.O. Box 642
1010 Tenth Street, Suite 3100
Modesto, California 95353

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NOTICE OF PASSAGE OF RESOLUTION

JUNE 6, 2023

**TO: BINDRA S. SANDHU ET AL
149 COYADO AVE
MODESTO, CA 95350**

**2256 STAR LILLY CT
BRENTWOOD, CA 94513**

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. COD2022-00530.**

PLEASE TAKE NOTICE that on April 27, 2023, 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. 2023-03 a true and correct copy of which is attached to this Notice.

The Board Member, Savannah Williams, who moved its adoption, stated the Board approve sixty (60) calendar day extension to determine the status/progress of the permit process. To which, the motion being duly seconded by Board Member, Mr. Jones, was upon roll call carried unanimously.

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: June 6, 2023



OSCAR DIAZ,
Chief Building Official

OD:mfo
Attachment

cc: BINDRA S. SANDHU ET AL
149 COYADO AVE
MODESTO, CA 95350

2256 STAR LILLY CT
BRENTWOOD, CA 94513

City Attorney
Oscar Diaz, Chief Building Official
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2023-03

A RESOLUTION DECLARING THE BUILDING LOCATED AT 149 COYADO AVENUE GRANTING THE OWNER(S) OF THE PROPERTY SIXTY (60) CALENDAR DAYS EXTENSION

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: UNPERMITTED ADDITIONS ON THE NORTHWEST AND SOUTHWEST SIDES OF THE COMMERCIAL BUILDING LOCATED AT THE PROPERTY; 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 March 9, 2022 and April 6, 2022; and

WHEREAS, a Notice and Order dated April 27, 2022 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.

WHEREAS, said Notice and Order dated April 27, 2022, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on April 27, 2022, said Notice and Order of April 27, 2022, 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 April 27, 2022, said Notice and Order of April 27, 2022, 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 April 17, 2023, 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 April 27, 2023, 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 149 Coyado 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 APPROVES A MOTION TO GRANT SIXTY (60) CALENDAR DAYS EXTENSION TO DETERMINE THE STATUS/PROGRESS OF THE PROPERTY.**

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. 2023-03, granting sixty (60) calendar day extension.

BE IT FURTHER RESOLVED that within One Hundred and Eighty (180) calendar days after passage of this Resolution No. 2023-03, 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 27th day of April 2023, by Board Member, Savannah Williams, who moved its adoption, which motion being duly seconded by Board Member, Sebastian Jones, was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Bergman, Kishore, Williams, Jones
Noes:	None
Absent:	None

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


SEBASTIAN JONES
VICE CHAIRPERSON

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 10th Street, Modesto,
5 California 95354.

6 On June 6, 2023, I served a copy of the NOTICE OF PASSAGE OF RESOLUTION for 149
7 Coyado Ave, Modesto, California, Assessor's Parcel No. 109-014-027, on all parties in said action by
8 serving a true copy thereof as follows:

9 **TO: BINDRA S. SANDHU ET AL**
10 **149 COYADO AVE**
11 **MODESTO CA 95350**

12 **BINDRA S. SANDHU ET AL**
13 **2256 STAR LILLY COURT**
14 **BRENTWOOD, CA 94513**

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

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

22 **BY POSTING:** I posted such document on address as indicated 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 6th day of May 2023, at Modesto, California.

25 
26 _____
27 Fatima Ordaz, Development Service Tech
28

25 **COD2022-00530**