

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

NOVEMBER 21, 2018

**TO: KAMPEL BHATHAL
3648 WOODLEY DRIVE
SAN JOSE, CA 95148**

VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: THE REBUILDING/REMODEL OF THE DWELLING UNITS IDENTIFIED AS NOS. 106 AND 108 PLEASANT STREET WITHOUT THE REQUIRED PERMITS AND INSPECTIONS FROM THE BUILDING SAFETY DIVISION OF THE CITY OF MODESTO OF THE DUPLEX ON THE PROPERTY KNOWN AS 106 PLEASANT AVENUE, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2017-90131

PLEASE TAKE NOTICE that on October 25, 2018, the Board of Building Appeals of the City of Modesto conducted a public hearing for an update from the October 26, 2017 meeting of the Board of Building Appeals regarding the real property situated in the City of Modesto commonly referred to as 106 and 108 Pleasant Street (hereinafter referred to collectively as the “premises”). Following the public hearing, the Board adopted Resolution No. 2018-10, a true and correct copy of which is attached to this Notice.


PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2018-10, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE BOARD UPHOLDS THE NOTICE AND ORDER DATED SEPTEMBER 12, 2017.

THE BOARD AFFIRMS THE ASSESSMENT OF CIVIL PENALTIES IN THE AMOUNT OF TWENTY-SEVEN THOUSAND THREE HUNDRED DOLLARS (\$27,300.00) FOR THE BUILDING CODE VIOLATIONS AND THE NON-COMPLIANCE OF THE BOARD OF BUILDING APPEALS RESOLUTION NO. 2018-03.

IF THE NUISANCE IS NOT ABATED AS ORDERED, THE CITY OF MODESTO SHALL PROCEED WITH AN ADMINISTRATIVE ABATEMENT 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: November 21, 2018



OSCAR DIAZ,
SECRETARY TO THE BOARD

OD:cp
Attachment

cc: KAMPEL BHATHAL
3648 WOODLEY DRIVE
SAN JOSE, CA 95148

City Attorney
Oscar Diaz, Chief Building Official
Bert Lippert, Building Safety Program Coordinator
Geoff Simmons, Building Inspection Supervisor
File

BOARD OF BUILDING APPEALS
RESOLUTION NO. 2018-10

A RESOLUTION DECLARING THE BUILDING LOCATED AT 106 AND 108 PLEASANT STREET A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS .

WHEREAS, Kampel Bhathal has title to and is the recorded owner of property located at 106 and 108 Pleasant Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the “premises”; and

WHEREAS, the premises at 106 and 108 Pleasant Street consists of the rebuilding/remodel of the dwelling units identified as Nos. 106 and 108 Pleasant Street without the required permits and inspections from the Building Safety Division of the City of Modesto of the duplex; 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 September 6, 2017; and

WHEREAS, a Notice and Order dated September 12, 2017, was issued by the Chief Building Official to contact the Building Safety Division of the City of Modesto and the following ordered: *IMMEDIATELY STOP ALL CONSTRUCTION WORK! Within seven (7) calendar days of the date of this Notice and Order contact Thomas L. Trimberger, Chief Building Official of the City of Modesto, to schedule a meeting to discuss your options in continuing to rebuild/remodel the duplex. At this meeting you will need to provide a written statement using the enclosed Intent to Repair or Demolish Form declaring your intent to comply with this Notice and Order by obtaining the required building permits from the Building Safety Division of the City of Modesto for the demolition or rebuild/remodel of the duplex. Along with the completed form, please include a detailed schedule with dates for application and plan submittal, anticipated permit issuance, start of construction, and progress dates for framing, drywall, and completion. These dates will be used to track progress and establish civil penalties, if necessary, as noted below. You will be required to provide four (4) sets of floor plans prepared by a California State licensed professional designer, with a plot plan which specifically shows the present side setback distance of the duplex and off-street parking from the property line before a building permit to rebuild/remodel the duplex can be obtained. All required work shall be to the current California Building, Electrical, Mechanical and Plumbing Codes; and*

WHEREAS, said Notice and Order dated September 12, 2017, gave notice that the premises were found to be Unsafe, Unfit for Human Occupancy and a Public Nuisance; and

WHEREAS, on September 12, 2017, said Notice and Order of September 12, 2017, 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 12, 2017, said Notice and Order of September 12, 2017, 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 are in violation of Board of Building Appeals Resolution No. 2018-03, 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 October 15, 2018, 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 25, 2018, at 4:00 p.m., in the Second Floor Conference Room 3001 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 106 and 108 Pleasant Street; 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:

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 2018-10, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE BOARD UPHOLDS THE NOTICE AND ORDER DATED SEPTEMBER 12, 2017.

THE BOARD AFFIRMS THE ASSESSMENT OF CIVIL PENALTIES IN THE AMOUNT OF TWENTY-SEVEN THOUSAND THREE HUNDRED DOLLARS (\$27,300.00) FOR THE BUILDING CODE VIOLATIONS AND THE NON-COMPLIANCE OF THE BOARD OF BUILDING APPEALS RESOLUTION NO. 2018-03.

IF THE NUISANCE IS NOT ABATED WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES, THE CITY OF MODESTO SHALL PROCEED WITH AN ADMINISTRATIVE ABATEMENT AND THE EXPENSE THEREOF MADE A LIEN ON THE LOT OR PARCEL LAND UPON WHICH SAID BUILDINGS ARE 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.

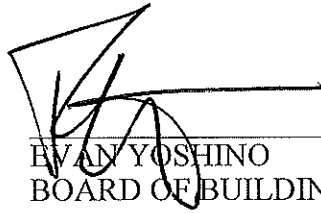
BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a Notice of the Passage of this Resolution No. 2018-10, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 2018-10 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.

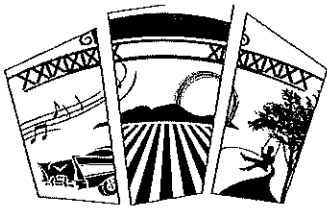
The foregoing matter was introduced at the regular meeting of the Board of Building Appeals of the City of Modesto held on the 25th day of October 2018, by Board Member, Evan Yoshino, who moved its adoption, which motion being duly seconded by Board Member, Rick Reid, was upon roll call carried in the resolution adopted by the following vote:

Ayes:	Dalton, Yoshino, Reid
Noes:	None
Absent:	Wungluck, Bergman

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: KAMPAL BHATHAL
3648 WOODLEY DR.
SAN JOSE, CA 95148

INVOICE NO: 96551
DATE: 11/21/18

CUSTOMER NO: 53369/221843

TYPE: NP - NEIGHBORHD PRESERVATN

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	CIVIL PENALTIES BOARD OF BUILDING APPEALS RESOLUTION NO. 2018-10 CIVIL PENALTY HEARING - OCTOBER 25, 2018 RE: 106 AND 108 PLEASANT AVENUE CODE ENFORCEMENT CASE NO. COD2017-90131 CIVIL PENALTIES ASSESSED FOR NON-COMPLIANCE JANUARY 25, 2018 TO OCTOBER 25, 2018	27,300.00	27,300.00

PAY ONLINE AT MODESTOGOV.COM

TOTAL DUE: \$27,300.00

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 11/21/18 DUE DATE: 12/03/18
CUSTOMER NO: 53369/221843

NAME: BHATHAL, KAMPAL
TYPE: NP - NEIGHBORHD PRESERVATN

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

INVOICE NO: 96551
TERMS: NET 10 DAYS

AMOUNT: \$27,300.00

APPENDIX A

ACCOUNT OF COST REPORT

Case #: COD2017-90131

Responsible Party and Property Owner

KAMPAL BHATHAL
3648 WOODLEY DR
SAN JOSE, CA 95148

CURRENT RESIDENT
108 PLEASANT ST
MODESTO, CA 95357

Re: 108 PLEASANT ST MODESTO, CALIFORNIA
Assessor's Parcel Number: 107-008-037

Legal Description: ALL THAT CERTAIN LAND SITUATED IN THE STATE OF CALIFORNIA,
COUNTY OF STANISLAUS, CITY OF MODESTO, DESCRIBED AS FOLLOWS:

Original Date of Notice: October 16, 2018

These costs are calculated pursuant to the Modesto Municipal Code (MMC), Section 9-8.1208 and/or Article 1, Chapter 6 of Title 1. Civil Penalties have been assessed (if applicable) and calculated pursuant to MMC Article 3, Chapter 6 of Title 1.

COST ACCOUNTING:

Civil Penalty CIVIL PENALTIES FOR NON-COMPLIANCE FROM JANUARY 25, 2018 TO OCTOBER 25, 2018, AS ORDERED IN BOARD OF BUILDING APPEALS RESOLUTION NO. 2018-06	\$27,300.00
--	-------------

TOTAL BALANCE DUE BY OWNER: \$27,300.00

The balance is due and payable upon receipt of statement. Failure of the owner to make total payment upon demand by the City may result in the costs being assessed as a personal obligation, nuisance abatement lien, or a code enforcement lien. In addition, the Director may refer the case to the Finance Department or refer it to the City Attorney to file a court action to recover the costs.

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 November 21, 2018, I served a copy of the NOTICE OF BOARD OF BUILDING
7 APPEALS PASSAGE OF RESOLUTION for 106 and 108 Pleasant Street Modesto, California;
8 Assessor's Parcel No. 107-008-037; on all parties in said action by serving a true copy thereof as
9 follows:

10
11 KAMPEL BHATHAL
12 3648 WOODLEY DRIVE
13 SAN JOSE, CA 95148

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

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

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

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

28 _____ **BY POSTING:** I posted such document on the front door/doors of the
structure/structures of the address as indicated above.

I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed this 21st day of November 2018, at Modesto, California.



Carmen Pina
Administrative Office Assistant III