



CITY OF MERCED

Merced Civic Center
678 W. 18th Street
Merced, CA 95340

Meeting Agenda

Building & Housing Board of Appeals

Thursday, September 7, 2023

3:00 PM

City Council Chamber, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

THE PURPOSE OF THE BUILDING AND HOUSING BOARD OF APPEALS, CITY OF MERCED, CALIFORNIA

In order to hear and decide appeals of orders, decisions, or determinations made by the Chief Building Official relative to the application and interpretation of the Merced Municipal Code, including all Building Code, Housing Code, Administrative Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Prevention Code, and Abatement of Dangerous Buildings Code adopted by reference, there shall be and hereby is created a Building and Housing Board of Appeals, consisting of five (5) members to be appointed by motion of the City Council adopted by at least five (5) affirmative votes, at least three (3) of whom shall be registered or licensed professionals in the trade of design, engineering, construction, or inspection of buildings, all of whom are qualified by experience and training to pass upon matters pertaining to building construction, engineering, or fire inspection. In addition thereto, the Chief Building Official shall be an ex officio member, shall act as Secretary to the Board, and shall have a voice, but no vote or authority to make or second any motion upon any matter before the Board. The Board shall adopt reasonable rules and regulations for conducting its hearings and shall render all of its decisions and findings in writing. The Board shall hold office at least once a year, or as called for by a majority of the members of the Board, or as requested by the Chief Building Official. The decision of the Board shall be final and conclusive on all matters decided therein. Upon receipt of the Board's written decision, the Chief Building Official shall proceed in accordance therewith.

BUILDING AND HOUSING BOARD OF APPEALS PROCESS, RIGHT TO APPEAL

For clarification purposes, the applicable subsection of the Health and Safety Code section is repeated. Section 18945: (a) "Any person adversely affected by any regulation, rules, omission, interpretation, decision, or practice of any state agency, respecting the administration of any building standard may appeal the issue for resolution to the Commission."

APPEALS PROCESS

Upon receipt of any appeal filed, the building official shall present it at the next regular or special meeting of the board of appeals. Notwithstanding any applicable state, federal, or local law or adopted unified code, only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested. The effective date of the decision shall be as stated therein.

WELCOME

At least 72 hours prior to each regular Board meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relation to an open session item that are distributed to a majority of the Commission will be available for public inspection at the City Clerk's Office during regular business hours.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE BOARD CLERK

Members of the audience who wish to address the Board are requested to complete a speaker card available at the podium against the back of the Council Chamber. Please submit the completed card to the Board Clerk before the item is called, preferably before the meeting begins.

Material may be emailed to planningweb@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Report item # or Public Comment. Your comments will be presented to the Board/Commission at the appropriate time. Any correspondence received after 1 PM will be distributed to the Board/Commission and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-7394 by no later than 1 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of one (1) minute. Please specify which portion of the agenda you are commenting on, for example, Report item #, Consent item #, or Public Comment. Your comments will be played during the Board/Commission meeting at the appropriate time.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC COMMENT

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 3 minutes. State law prohibits the Board from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

E. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the Board, provided that any Member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

- E.1 [23-753](#) **SUBJECT:** Building and Housing Board of Appeals Minutes of August 3, 2023

ACTION:

Approving and filing the Building and Housing Board of Appeals Minutes of August 3, 2023

F. BUSINESS

- F.1 [23-754](#) **SUBJECT:** Continued Compliance Order Hearing 1717 Laurel Ave

REPORT IN BRIEF

The Property Owner failed to comply with the requirements of the Compliance Order issued on May 28, 2021. The City is seeking an administrative order to correct violations and payment of administrative penalties and costs and restitution.

RECOMMENDATION

Issue an administrative order to correct violations, including a schedule for correction if appropriate. Order payment of administrative penalties, administrative costs, and restitution to the City of Merced.

G. ADJOURNMENT