



# CITY OF MERCED

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

## Meeting Agenda

### Building & Housing Board of Appeals

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Thursday, February 2, 2023

3:00 PM

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

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#### **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 voices, 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 stated therein.

## WELCOME

At least 72 hours prior to each regular Board/Commission meeting, a complete agenda packet is available for review on the City's website at [www.cityofmerced.org](http://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/COMMISSION 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/Commission Clerk before the item is called, preferably before the meeting begins.

### **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**    [23-105](#)            **SUBJECT: Building and Housing Board of Appeals Minutes of January 5, 2023**

**ACTION:**

Approving and filing the Building and Housing Board of Appeals Minutes of January 5, 2023

**F. BUSINESS**

F.1 [23-107](#)

**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.

F.2 [23-106](#)

**SUBJECT:** Election of Chairperson and Vice-Chairperson

**ACTION**

Election of Chairperson and Vice-Chairperson

**G. ADJOURNMENT**