

**City of Merced**  
**BUILDING AND HOUSING**  
**BOARD OF APPEALS**  
**Agenda**

SPECIAL MEETING VIA TELECONFERENCE

Pursuant to Governor Newsom's Executive Order N-29-20, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location.

**MODIFIED PUBLIC COMMENT INSTRUCTIONS FOR TELECONFERENCE MEETINGS**

Please submit your public comment to the Building and Housing Board of Appeals electronically no later than 12 PM on the day of the meeting. Comments received before the deadline will be read as part of the record. Material may be emailed to [BAHBA@cityofmerced.org](mailto:BAHBA@cityofmerced.org) and should be limited to 500 words or less. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to the Building and Housing Board of Appeals at the appropriate time. Any correspondence received during or after the meeting will be distributed to the Building and Housing Board of Appeals and retained for the official record. Alternatively, members of the public may email a request to be called by City staff during the meeting.

To listen to the Building and Housing Board of Appeals meeting live, go to Facebook Live.

CALL TO ORDER

Via Teleconference  
Wednesday, May 13, 2020  
3:00 p.m.

ROLL CALL

1. APPROVAL OF AGENDA
2. MINUTES:           None

# BUILDING AND HOUSING BOARD OF APPEALS AGENDA

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## **S P E A K E R S**

Please be brief and to the point - preferably 3 to 5 minutes.

Max Time Limit prior to Agendized items: 15 minutes. Once the maximum has been reached, remaining speakers will be asked to wait until the end of the meeting to make their comments.

*For further information on citizen participation and placing an item on the Building and Housing Board of Appeals Agenda, please contact Inspection Services at 209-385-4773.*

### **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." (Board)

### **APPEALS PROCESS**

(1) Appellant must submit grievances, in writing, to the Chief Building Official; (2) Chief Building Official will have 14 business days to review and resolve grievances with appellant; (3) If appellant disagrees with the decision of the Chief Building Official, appellant can request an appeal, in writing, to the Chief Building Official within 14 business days; (4) Chief Building Official, as Secretary of the Board, must notify Board members of request for appeal, and schedule appeal within 30 calendar days; (5) Board of Appeals will review case presented by appellant and vote by majority, either in favor or against the appellant; (6) If ruled against, the appellant has the right to appeal to the City Council.

### **BUILDING AND HOUSING BOARD OF APPEALS MEETINGS**

The Committee is interested in your views and wants to hear them. The Agenda for the meeting is posted for public review by the City Clerk's Office at least 72 hours prior to the meeting.

## **3. COMMUNICATIONS**

At this time, any member of the audience may comment on any matter which is not listed on the agenda.

## **4. ITEMS**

**4.1 Set Appeal Hearing Date for May 26, 2020– Cyrus and Gita Nownejad (owners) 1050 Rambler Road: Notice and Order to Repair or Abate.**

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**ACTION:** Set an appeal hearing date for the property located at 1050 Rambler Road, Merced, CA 95348.

## **4.2 Set regular bi-monthly meeting dates for the Buiding and Housing Board of Appeals for the 4<sup>th</sup> Tuesday of odd-numbered months.**

**ACTION:** Set regular bi-monthly meeting dates and time for the Buiding and Housing Board of Appeals for the 4th Tuesday of odd-numbered months.

## **4.3 Receive training from the Deputy City Attorney on the Uniform Code for the Abatement of Dangerous Buildings and the Building and Housing Appeals Process.**

**ACTION:** Receive training from Deputy City Attorney.

## **5. INFORMATION ITEMS**

At this time, any member of the Board may comment on any matter, which is not listed on the agenda.

## **6. ADJOURNMENT**